S. HRG. 100-177

# IMPLEMENTATION OF THE ENDANGERED SPECIES ACT IN THE STATE OF MAINE

## HEARING

BEFORE THE

SUBCOMMITTEE ON
ENVIRONMENTAL PROTECTION

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

MAY 26, 1987—PORTLAND, ME

Printed for the use of the Committee on Environment and Public Works

U.S. GOVERNMENT PRINTING OFFICE
75-958 O WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S321-23

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

QUENTIN N. BURDICK, North Dakota, *Chairman*

DANIEL PATRICK MOYNIHAN, New York
GEORGE J. MITCHELL, Maine
MAX BAUCUS, Montana
FRANK R. LAUTENBERG, New Jersey
JOHN B. BREAUX, Louisiana
BARBARA A. MIKULSKI, Maryland
HARRY M. REID, Nevada
BOB GRAHAM, Florida

ROBERT T. STAFFORD, Vermont
JOHN H. CHAFEE, Rhode Island
ALAN K. SIMPSON, Wyoming
STEVE SYMMS, Idaho
DAVE DURENBERGER, Minnesota
JOHN W. WARNER, Virginia
LARRY PRESSLER, South Dakota

PETER D. PROWITT, *Staff Director*
BAILEY GUARD, *Minority Staff Director*

---

### SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

GEORGE J. MITCHELL, Maine, *Chairman*

DANIEL PATRICK MOYNIHAN, New York
MAX BAUCUS, Montana
FRANK R. LAUTENBERG, New Jersey
JOHN B. BREAUX, Louisiana
BOB GRAHAM, Florida

JOHN H. CHAFEE, Rhode Island
ROBERT T. STAFFORD, Vermont
ALAN K. SIMPSON, Wyoming
DAVE DURENBERGER, Minnesota
LARRY PRESSLER, South Dakota

# CONTENTS


Page

Mitchell, Hon. George J., U.S. Senator from the State of Maine, opening statement of ..... 1

WITNESSES

Albright, John, president, Maine Chapter, Wildlife Society ..... 31
Written statement ..... 75
Arbuckle, Jane, director of wildlife programs, Maine Audubon Society ..... 20
Written statement ..... 64
Bowman, Robert ..... 24
Bryant, Donald, Portland, ME ..... 31
Campbell, Dr. Christopher, botanist, University of Maine ..... 25
Dimple, Allison ..... 24
Eubanks, Thomas R., supervisor of wildlife ecology, International Paper Co ..... 18
Written statement ..... 54
Grant, Glenn ..... 32
Hutchinson, Al, endangered and nongame wildlife program director, Department of Inland Fisheries and Wildlife, State of Maine ..... 8
Written statement ..... 43
Jacques, Hon. Paul, Chairman, Fisheries and Wildlife Committee, Maine House of Representatives ..... 5
Written statement ..... 39
McGowan, Hon. Patrick, member, Appropriations and Financial Affairs Committee, Maine House of Representatives ..... 3
Written statement ..... 34
Nevela, Vanessa, Maine Group, Sierra Club ..... 30
Nickerson, Paul R., Chief, Division of Endangered Species, Region IV, U.S. Fish and Wildlife Service ..... 11
Written statement ..... 48
O'Byrne, Susan ..... 23
Owen, Ray, chairman, Wildlife Department, University of Maine ..... 29
Tyler, Hank, director, Critical Areas Programs, State of Maine Planning Office ..... 27
Vickory, Barbara, director of science and stewardship, Maine Chapter of the Nature Conservancy ..... 28
Written statement ..... 67, 73
Woodsome, Karen, Defenders of Wildlife ..... 26

# IMPLEMENTATION OF THE ENDANGERED SPECIES ACT IN THE STATE OF MAINE

TUESDAY, MAY 26, 1987

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION,
*Portland, ME.*

The subcommittee met, pursuant to notice, at 10 a.m., in council chambers, Portland City Hall, Portland, ME, Hon. George J. Mitchell (chairman of the subcommittee) presiding.

Present: Senator Mitchell.

## OPENING STATEMENT OF HON. GEORGE J. MITCHELL, U.S. SENATOR FROM THE STATE OF MAINE

Senator MITCHELL. Good morning, ladies and gentlemen. I would like to call this hearing to order.

We are here today in Portland to conduct a hearing before the Senate Subcommittee on Environmental Protection, and the subject matter will be the implementation of the Federal Endangered Species Act in Maine. The Endangered Species Act is our Nation's foremost law for preventing the extinction of plant and animal species.

The people of Maine know all too well the finality of extinction. Several plants and animals, including the passenger pigeon, the great auk, and the Labrador duck all were once residents of this State. They have now disappeared forever.

Over the past 150 years, Maine has lost more than a dozen species of wildlife, about an average of one species lost every 10 years, and an unknown number of plants.

In 1973, the present Endangered Species Act was enacted to provide for the protection and restoration of plants and animals on the brink of extinction. Under its provisions, we now assist even the most obscure, seemingly insignificant species, because all the world's living material continually provides us with ways of improving our existence. Species that seem unimportant today may become useful or essential tomorrow.

Aspirin, for example, was derived originally from a species of willow. A type of sea snail off the California coast contains a chemical useful in reducing blood pressure, and a small plant from Madagascar is known to produce one of the best substances for treating certain types of cancer.

This year, the Congress is scheduled to renew the authorization to spend money to carry out the Endangered Species Act. As part

of that process, I have introduced legislation, along with other members of the subcommittee, to provide for the continued and effective implementation of the Endangered Species Act over the next five years. Last month, I conducted a hearing in Washington to review how the act is working in general and to consider any proposals to change the current law.

Today's hearing will focus more narrowly on a critical part of our endangered species efforts, and that is the cooperative Federal-State program established under section 6 of the Endangered Species Act. Under this provision, States such as Maine which have signed cooperative agreements with the U.S. Fish and Wildlife Service may receive Federal matching funds on a 3 to 1 Federal-State basis for conservation projects.

Congress established this cooperative State grant program because it realized that the protection and recovery of endangered species depends upon a good working arrangement between the Federal agencies which have broad policy perspective and authority and the State agencies which have the physical facilities and the personnel in the field to actually do the job.

Many of the successful comebacks made by species on the brink of extinction have come about as a result of cooperative State and Federal endeavors made possible by the sharing of costs under section 6 of the act. The bald eagle and peregrine falcon we have here with us today are dramatic beneficiaries of the section 6 program. And for those of you who didn't see it, there is a beautiful bald eagle out in the hall that is maintained by the State.

The progress made in restoring these two species in Maine over the past decade demonstrates that it is within our power to bring about positive results.

But the amount remaining to be done before these and other species in Maine no longer require the act's special protections, particularly in the face of increasing development pressures, demonstrates that we must strengthen the Federal-State partnership and not dissolve it.

The limited success of the act in Maine and elsewhere across the country is due in large part to the lack of adequate and reliable support under section 6 for the Federal share of worthy conservation projects.

The amount of money currently appropriated for Federal matching grants to the States under section 6 is roughly the same as it was 10 years ago in 1977. Yet, there are four times as many cooperative agreements eligible for support today as there were in 1977 and twice as many species in need of assistance. The section 6 pie is so small and is being sliced into so many pieces that fully two-thirds of all U.S. species protected under the act receive no benefit from it.

The Federal contribution to cooperative projects with the States not only has been small, it has been unreliable and now is in danger of disappearing altogether.

As we have seen with the bald eagle and the peregrine falcon, the recovery of most endangered species requires a sustained effort over many years. Unfortunately, from the testimony I heard last month in Washington, it appears that the sums appropriated under

section 6 have been such a roller-coaster that long-term projects have been discouraged.

States also apparently are becoming increasingly reluctant to seek the small and uncertain sums available under section 6, and a once successful partnership now is in serious jeopardy.

I hope our witnesses this morning will be able to elaborate on the strengths and weaknesses of the present cooperative program. I have asked them to specifically discuss the status of efforts to protect and recover federally listed species in Maine; the importance and adequacy of Federal matching grants to Maine under section 6 of the act in achieving the objective of full protection and recovery for these species; and the importance and adequacy of section 6 grants in developing and maintaining a stable and effective Federal-State program here in Maine to achieve protection and recovery of endangered species.

Under the rules of the committee, all written statements will be printed in the record in full. I have asked each witness to limit their oral remarks to no more than 5 minutes so there will be an opportunity for all witnesses to appear and, then, if time permits, for some brief comments from any member of the audience who also wishes to be heard.

Finally, this hearing record will be kept open for two weeks to permit anyone who is interested in doing so the opportunity to submit a written statement for the record.

With that introductory statement, I will call the first two witnesses. They are two State Representatives who have been very active in this area, Representative Patrick McGowan who is on the Appropriations and Financial Affairs Committee of the State House of Representatives and Representative Paul Jacques who is Chairman of the Fisheries and Wildlife Committee of the State House of Representatives.

Will Representatives Jacques and McGowan please come forward to the witness table?

Good morning, gentlemen. Thank you very much for coming here. I and, I believe, all the members of the audience look forward to hearing from your testimony.

Would you like to begin first, Representative McGowan?

**STATEMENT OF HON. PATRICK McGOWAN, MEMBER, APPROPRIATIONS AND FINANCIAL AFFAIRS COMMITTEE, MAINE HOUSE OF REPRESENTATIVES**

Mr. McGOWAN. Thank you, Senator Mitchell.

Mr. Chairman, I am State Representative Pat McGowan, and I am pleased to be here as a member of the Maine Legislature's Joint Standing Committee on Appropriations and Financial Affairs. I also happen to come before you today as one of the many residents of Maine concerned with the preservation of the State's wildlife.

Having a perspective on both Maine's wildlife and Maine's financial resources gives me a clear and unsettling view of what is happening in Maine regarding the preservation of Maine's endangered plant and animal life. Actually, unsettling is not a strong enough

word. I am very concerned with the present conditions of efforts to protect Maine's endangered plants and animals.

Senator, I have submitted five pages of testimony to your staff, and what I will do is leave those with you for the record, and for anyone who is interested, there are copies available.

Earlier this year, Representative Jacques and myself along with Representative Foster and Representative Broll introduced legislation to pick up portions of the non-game funding from the general fund of the State of Maine. This legislation was landmark in itself because we were taking monies from the general fund for the first time for fisheries and wildlife or wildlife endeavors.

This bill has recently come out of the Appropriations Committee with a study on it. It came out with a study on it because it was such a landmark move on our part to recommend general funding for fish and wildlife measures.

We put two members of the Appropriations Committee, two members of the Taxation Committee, and two members of the Fisheries and Wildlife Committee which Representative Jacques chairs. This, I hope, will result in a study which will tell us the value that this State has of non-game species.

We certainly realize it. We have certainly seen the shortcomings from the Federal Government in the forms of funding and, more distinctly, the Reagan Administration in the lack of funds that are forthcoming.

We, as members of the Legislature and members of the individual committees that we serve on, realize that non-game in its value to the State of Maine is in the millions of dollars for the economic gains and the benefits. One only has to see the number of cars going into the north woods every weekend when it is not a hunting season weekend. Just this past weekend, Representative Jacques and I were in the Allagash region and saw a tremendous amount of non-resident and resident cars that were just driving and viewing wildlife.

Two weeks ago, I was on Matinicus Island, and a large boat with about 45 people went out to view the puffins out there. I was truly amazed at how many people are actually coming to Maine. I think they see it as a destination where they may see wildlife, not just to get a suntan on the beach or to have relaxation but to view wildlife.

The value in economic gains is in the millions of dollars, and I think that is one thing this study may come up with. It is a long overdue study that will hopefully say to the people and the Legislature and to you, Members of Congress, that this is something that we should spend money on, and we should spend a lot of money on it.

More importantly, I guess we are judged as to how we treat other species on this earth as opposed to just how we exist on a day to day basis.

I think I will end my testimony with that, Senator, and take any questions and turn it over to my fellow fisherman and friend and outdoor enthusiast, Representative Jacques.

Senator MITCHELL. Thank you very much, Representative McGowan.

Representative Jacques, welcome.

STATEMENT OF HON. PAUL JACQUES, CHAIRMAN, FISHERIES AND WILDLIFE COMMITTEE, MAINE HOUSE OF REPRESENTATIVES

Mr. JACQUES. Thank you very much, Senator.

I am Paul Jacques. I am currently serving my 5th term on the Committee on Fisheries and Wildlife where I serve as House Chair. I am also the ranking Democrat on the Committee on Energy and Natural Resources which has dealt with legislation on the State level protecting certain threatened species of fauna and wild plants, including marshlands and tundra.

One of the problems that we on the Fisheries and Wildlife Committee have faced is to come up with a guaranteed, definite, reliable source of funding when we deal with non-game endangered species. In the State of Maine, we refer to them as endangered/non-game.

Obviously, there are some that are non-game that are not endangered, and that is why we put the two together, because we feel they are both important.

In the State of Maine, we list 16 species that are endangered. We have 6 that are listed as threatened, and we have over 60 species of wildlife that are considered special status.

Most of the work that has been done with endangered species up until now has come from the Fish and Wildlife general fund account. As you know, Senator, we are a dedicated revenue account, and, unfortunately, when we get done taking care of what we are mandated to do and that is to manage the fish and wildlife species, I think we have had a tendency to concentrate more on those that are hunted and fished, basically because most of the money came from the hunters and fishermen. When there was Federal money available, we ended up usually using it on the fur bearing species or something that we would get direct benefit or indirect benefit from.

That is why I co-sponsored, back a few terms ago, the so-called "chickadee check-off" for the State of Maine which would allow people who don't hunt and fish to voluntarily contribute some money from their income tax check-offs.

In 1984, we received $110,000 from that chickadee check-off. In 1985, we received $130,000, and from 1986 tax returns, we have about $85,000 to date, but the department believes it will be getting about $110,000 this year.

Unfortunately, the check-off has become something that becomes more and more popular, and each time a new check-off is added, it changes the amount of figures that are coming in from the other check-offs that are already there.

We would definitely like to see some source of definite funding that we could plan on on a year to year basis in the State of Maine. I know the department has requested various amounts over the years, and we have gotten from the Feds roughly about half of the amount that is requested.

It is kind of hard to plan in a five-year or even a year to year program in game management planning dealing with non-game species when your source of revenue is in question. I think the chickadee check-off has done better than most people thought, but

because of the concern I have on the reliability of those figures, I would strongly urge you to try to get Congress to ensure that we could at least have a guaranteed amount of money on a year to year basis.

Then, our department could plan their species management plans, their work studies, whatever the case may be, knowing that that amount of money will be there. Then, any other amount of money that is brought in by the chickadee check-off could be kind of an extra bonus. The department could then continue to go out and do some more research based on the amount of money they have, knowing full well that the grass roots, the so-called guts of the whole program would be taken care of by the Federal money.

As you are well aware, Fish and Wildlife has never had in the 10 years that I have been here the flexibility to have an awful lot of money left over. We are a dedicated revenue account. In some years, we have been operating pretty close to the flat line.

By getting some guaranteed money from the Federal level—and I think it is very important that we do—then at least we would know that that much work could be done, and we would not have to rely on the sales of hunting and fishing licenses to take care of the endangered non-game species which, I think, is a major, major priority with the over-development that is going on in this State, with the changes daily in the environment that we have.

And contrary to what people believe, we still have some major environmental problems. Acid rain is one. We still have some problems with air quality, even in the State of Maine. Unfortunately, we still have some problems with water quality, even in the State of Maine. I think it is vitally important that with all these factors working that we ensure that the utmost that we can do for the endangered and non-game species is done.

I think one of the things that the Federal Government can do is ensure that by making sure each of these States, whether it be Maine or any other State, has the money to do the job. Anything the people of Maine decide to do, we will do on our own, but if we could have that Federal money, it would make all of our jobs very much easier.

Thank you, Mr. Chairman.

Senator MITCHELL. Thank you very much.

One of the useful things we can do, I think, is to compare the method of operation of this Federal program with other similar Federal programs. I am struck by the difference between this and the programs dealing with game management and sport fish management.

As you may know and for the benefit of those in the audience who are not familiar with it, there are three Federal programs that are known by the names of the legislators who introduced the legislation. One is Pittman-Robertson, another is Dingell-Johnson, and a third is Wallop-Breaux.

They are supported by Federal excise taxes on arms and ammunition and fishing equipment. Their receipts are provided to the States on a three to one matching basis without further appropriation for game management and sport fish management.

My question to you, Representative Jacques is, have those programs been successful in maintaining game and sport fish species

and in developing a stable and effective program by the State Department of Inland Fisheries and Wildlife?

Mr. JACQUES. Thank you, Senator.

In the past, I think they have. There has been a drop in Pittman-Robinson which is the tax that goes on the sales of firearms and ammunition to the point where that is something our department is looking at if they would wish to continue the research they have done.

Fortunately, Dingell-Johnson and Wallop-Breaux are on the way up, and we will have new money available, almost $1 million this year alone, to be utilized, and the department is hoping to use it to increase some of the stocking and repair some of the hatcheries that we have here in the State of Maine. So, I believe that both those programs will be extremely helpful, and I think have been very successful up until now on doing what they were intended to do.

As I said, there are little concerns on Pittman-Robinson. We are going to have to look at that on the State level.

This afternoon, we are looking at the part II budget for fish and wildlife which is all the extra things that we haven't been able to do over the years, and some of these programs will be dependent on these Federal matching dollars. We are going to have to make some decisions on what priorities we are going to give.

Senator MITCHELL. Would you regard it as desirable for the Federal program for endangered/non-game species which is the subject of your discussion this morning to be placed on a similar financial independent footing as the programs we have just described?

Mr. JACQUES. If it could be done with the same success these other programs have, certainly, Senator. I think it would be very good.

Senator MITCHELL. And I understand, Representative McGowan, the legislation to which you refer in your opening statement was to provide a fixed sum by the State each year so that out of general revenues would come whatever amount is necessary to supplement the amount received from the check-off that Representative Jacques described so that you would have an assured amount each year. Is that correct?

Mr. MCGOWAN. That is correct, Senator. The amounts would be fixed on a yearly basis with every budget item in the part I budget request coming from the Governor's office.

Senator MITCHELL. So that if that legislation is adopted, then the State would be in a position to match Federal funds were Federal funds made available on a secure, independent financial basis.

Mr. MCGOWAN. I think, Senator, that if the Federal funding mechanism were in place, this Legislature, this sitting Legislature would adopt it very quickly. I think it would be something that we would grasp, but I think that the cloud and the question that remains over this type of funding is the item which concerns us.

Before we step into the arena—when I say we, I mean the Appropriations Committee and the Maine Legislature—in the general fund commitment, I think that we would like to see some commitment from the United States Congress, and I think that would be very, very helpful and very important.

Senator MITCHELL. Well, thank you both very much for your testimony. It is very helpful, and I commend you for what you have been doing in this area and look forward to working with you to see that we can provide that secure funding so that the State and Federal Government can continue this important activity here in Maine.

Thank you for coming.

Mr. MCGOWAN. Thank you, Senator.

Mr. JACQUES. Thank you, Senator.

Senator MITCHELL. The next panel will include Mr. William Vail who is the Commissioner of the Department of Inland Fisheries and Wildlife for the State of Maine and Mr. Paul Nickerson who is the Chief of the Division of Endangered Species of Region IV of the U.S. Fish and Wildlife Service.

Mr. HUTCHINSON. Good morning, Senator. My name is Al Hutchinson.

Senator MITCHELL. I know you don't look like Mr. Vail.

Mr. HUTCHINSON. No, I am not. We thought we could fool you, but I guess we can't.

Commissioner Vail sends his regrets. He had to be in a legislative process this morning in Augusta. There is an important budget meeting, and I am speaking on his behalf.

Senator MITCHELL. All right. Go right ahead.

## STATEMENT OF AL HUTCHINSON, ENDANGERED AND NONGAME WILDLIFE PROGRAM DIRECTOR, DEPARTMENT OF INLAND FISHERIES AND WILDLIFE, STATE OF MAINE

Mr. HUTCHINSON. The Maine Department of Inland Fisheries and Wildlife has responsibilities for all species of wildlife and fresh water fish in Maine, including game animals, game fish, and all species of non-game, including endangered species. The Department's authority does not include plants and marine fish.

The Department has a cooperative agreement with the U.S. Fish and Wildlife Service for the management of federally listed species as authorized by the Federal Endangered Species Act. This agreement has been in effect for 10 years and is the core of the Department's endangered species program.

The Federal Endangered Species Act is viewed as essential to the conservation of endangered species in the State of Maine. However, the act does have its shortcomings, and this testimony is meant to address the act's strengths and weaknesses from the perspective of a State agency charged with the responsibility for the recovery of endangered species.

On the first issue you queried us on, levels of funding, a summary is attached to the testimony we are submitting, so I won't go into detail on that. It is there for everyone to review.

In summary, though, the Department has received slightly more than half of the amount that has been requested on an annual basis for the past several years. An important point to realize when interpreting this is that the request itself is usually tempered. In fact, every year it is tempered by expectations of what is going to be available. So, it is not truly a reflection of need; it is more a reflection of what we feel is the reality for any given year.

On the status of recovery efforts for federally listed species in Maine, there are currently three programs on-going for federally listed species, the bald eagle, the peregrine falcon, and the piping plover.

The bald eagle has been the primary focus of the Department's endangered species recovery efforts for the past 10 years. Historically, we had hundreds of nesting pairs of eagles in the State, distributed throughout the State. This population was reduced to probably well under 50 pairs by the mid 1970s when this species was listed federally. This dangerously low population was compounded by near zero annual production.

We think we have seen the halt of this decline and, hopefully, the start of a recovery on the species. The surveys just completed this year have shown 91 active nesting pairs in the State of Maine. We attribute a great deal of the success that we may have seen to date to section 6 funding from the Endangered Species Act.

The peregrine falcon was extirpated from Maine 25 years ago largely due to pesticide poisoning. In 1984, the Department undertook a recovery and reestablishment project to bring this species back into the State. It was part of a nationally sanctioned and authorized program coordinated through the Federal recovery group, and we are now starting to see limited success.

To date, we have released 68 young birds into the State at 4 remote sites throughout the State. Well, one was not remote. It was, in fact, in downtown Portland. This year, our spring surveys have found adult peregrine falcons at four sites, and we believe we may even have nesting going on at one of those.

So, again, with the help of section 6 funding, we are seeing some very dramatic results.

With the piping plover, in 1986, we knew of 15 pairs, and we think we new of just about everything there was in the State of Maine, but 15 pairs of piping plovers nested in Maine in 1986 producing 31 chicks. This figure has ranged from 7 to 15 pairs and from 7 to 30 chicks for the past several years.

To put that in perspective, historically, Maine probably had hundreds of piping plovers nesting throughout the State. It is a species on the brink.

Last year, it was listed as federally threatened and, this year, through section 6, through our request, we will be receiving, I believe, $5000 to put into the project to protect and start the recovery on that species.

There are several other federally listed species we have in the State for which there is no current funding and we do not have a current program for them.

The tundra peregrine falcon, a sub-species, a northern nesting bird that migrates along our coastal islands is one. It is federally threatened.

The eastern cougar is federally endangered. Its status is largely unknown. It is listed as extirpated from the State of Maine, the last speciment being seen several decades ago.

There are five species of great whales found along the coast of Maine that are listed as either endangered or threatened.

There are three species of marine turtles, uncommon visitors to Maine but still listed as being found in Maine coastal waters.

And the roseate tern is currently listed as a candidate species for Federal endangered status.

For all these we have no funding from the Federal level and, as a result, there really are no State programs for them.

To address the adequacy of section 6 fundings, in summary, we would say that section 6 funds have made a significant difference in the State by improving the status of the species that have been targeted for recovery, particularly the two key ones, the bald eagle and the peregrine falcon. However, the funding is just not adequate to address all the problems that are confronted by both those species and all the others that are either currently listed or candidates or potential candidates.

The pressures confronting Maine's rare and endangered species are increasing, and if these issues are not addressed, we feel very certain that the outcome is going to be lost species in the future.

The question and the adequacy of section 6 grants in maintaining the cooperative Federal-State program is a key to this hearing and to our interest in the program. The Federal Endangered Species Act plays a vital role by providing cooperative Federal-State programs for endangered species conservation.

Regional coordination, technical assistance, and guidance from a national perspective are essential to the long-term effectiveness of conservation programs at a State level. Those are the things that are truly provided by the Endangered Species Act.

However, the high degree of instability, uncertainty and inadequacy of section 6 funds often places the overall benefit of this program in question. The instability and uncertainty of funds on an annual basis are of particular concern.

These funds are annually appropriated and then allocated, and the State is often not notified as to their approval or disapproval until up to two to five months after the annual work program was to have begun. Through the cooperative arrangements of section 6, the State is being asked to make long-term commitments to recovery projects that are usually quite costly and labor intensive and that also require a skilled and experienced staff.

However, there is no long-term commitment concurrently coming from the Federal Government through section 6.

Once committed to a section 6 recovery effort with its substantial start-up costs and obligations, it makes little sense to stop from a State perspective. Yet, the only back-up source of money to pick up the slack during the years of late or no section 6 funding is the State income tax check-off for non-game wildlife. This fund is also small, declining, and unstable.

The result is that annually States are forced into the unacceptable position of deciding what other essential projects will be cut or placed in jeopardy in order to hold together the section 6 project. It is an annual game of roulette that truly needs to be eliminated.

On the question of efforts to list and protect candidate species, Maine currently lists 100 species requiring special attention, from endangered to what we term the "watch" list. These are listed due to their low or declining numbers, limited distribution, or their exceptional vulnerability. Several of these are candidates or potential candidates for Federal listing.

From our perspective, it appears that once enough information is available, the process of listing species is adequate, slow but adequate. The inadequacy involves the large number of species for which insufficient information is available to make such a determination.

With the current levels of funding, Maine does not have the ability to gather the necessary information to make such assessments, nor do we have the ability to provide the conservation measures necessary to ensure the maintenance of all the species, the rare species, until their status can be determined.

So, in closing, I want to emphasize our support of the Federal Endangered Species Act and of section 6 cooperative grants. It is our view that this very important act and its implementation can be greatly improved by stabilizing section 6 funding and by increasing the funding to a level that will more clearly and fully address our needs.

Respectfully submitted, William J. Vail, Commissioner.

Senator MITCHELL. Thank you very much, Mr. Hutchinson. We are glad to have this latest picture.

Mr. Nickerson?

## STATEMENT OF PAUL R. NICKERSON, CHIEF, DIVISION OF ENDANGERED SPECIES, REGION IV, U.S. FISH AND WILDLIFE SERVICE

Mr. NICKERSON. Thank you, Senator.

Good morning. My name is Paul Nickerson. I have been Chief of the Division of Endangered Species for Region 5 of the Fish and Wildlife Service since November of 1975.

I am fortunate in that I am the only one who has ever held that position. When you talk about implementation of the Endangered Species Act, I was one of the things that was implemented, I guess. They created the job, and I was lucky enough to be selected for it.

Senator MITCHELL. Nobody can ever say someone did a better job than you have.

Mr. NICKERSON. Not yet.

Since we are here in Maine and talking about Maine, I would also like to add that in 1966, I received a bachelor of science degree in wildlife management from the University of Maine.

My responsibility is to provide oversight for endangered species and related activities in region 5. In addition to section 6, I also am responsible for recovery and listing and what is called section 7 consultation wherein we review the effects of Federal projects on endangered species and try to make sure that Federal activities proceed without causing undue harm to endangered species.

It has been controversial. I am sure you remember the Pittston Oil Refinery and the Dickey Dam were two cases that occurred in Maine wherein section 7 was involved.

However, today I am here to talk about section 6 activities conducted in Maine pursuant to the Endangered Species Act.

You have heard a lot of this before. Section 6 of the act authorizes the Fish and Wildlife Service to enter into cooperative management agreements with the States to conserve endangered and threatened fish, wildlife, and plants. In doing so—and this is the

key component of the law here—it recognizes the States as management authorities for those resident threatened and endangered species occurring within their borders and provides a means for reimbursing the State for up to 90 percent of the costs of work performed on the species' behalf.

I think I need to clarify—when I say up to 90 percent, if a species occurs in more than one State and multi-State recovery efforts are underway on that species' behalf, we can reimburse the State for 90 percent of the work that they accomplish on that species' behalf.

If it is a single-State species like the Furbish lousewort, for example, which occurs here in Maine, the State is entitled to receive 75 percent reimbursement for the work performed.

Another bit of nostalgia is that Maine was one of the first 16 States that joined the cooperative program. Their agreement was signed on June 23, 1986, and I had the privilege of coming to Maine and negotiating that with Maynard Marsh who was the commissioner at that time.

Senator MITCHELL. You said 1986. I think you meant 1976.

Mr. NICKERSON. Oh, I am very sorry. Time flies but not that fast—1976.

Following that, I listed a summary of the allocations from 1977 to the present, and unless you want, I am not going to read them, because they are there for everyone to see.

Senator MITCHELL. No. It will be placed in the record. I would prefer that you not read it.

Mr. NICKERSON. Okay. There is one thing I would like to correct.

In 1984, I believe we, as a result of a later request, added another $15,000 for Maine's bald eagle winter survival study, because I noticed in reviewing Al's testimony that they show $35,000 under 1984 and we only show $20,000. But if memory serves, it was because we received some money later on and were able to add in another $15,000 for the 1984 work.

Is that the way you remember it?

Mr. HUTCHINSON. That is right.

Mr. NICKERSON. Five species under the Service's jurisdiction occur in Maine. I am not going to talk about the cougars because it seems as though all the cougars that we see lately are viewed through the bottom of a beer glass, so the eastern cougar is a species that, while many romantics would like to believe it exists, I am not convinced at this point that it does.

So, I will focus on the ones that we know are here: the eagle, the peregrine, the piping plover, the Furbish lousewort, and the small whorled pogonia.

I hasten to add, the State of Maine also has an endangered plant agreement which was signed, I believe, in October of 1985. So, now, they are also receiving some funding for endangered plant work on those last two species.

There have been 80 to 90 pairs of bald eagles nesting in Maine for the past few years with an average production of less than 1 young per active nest. In 1978 when the bald eagle was listed in Maine—we changed the listing of the bald eagle. It used to be that only the southern race of the eagle was listed up until 1978. In 1978, the eagle was listed throughout the country, threatened in 5

States and endangered in 43 others. Maine was one of those in which the eagle was listed as an endangered species.

So, I wanted to point that out, because it looks as though 1978 is a fairly recent listing of the eagle, but that is not exactly right.

At that time, we only knew of about 40 pairs in the State. I believe that is essentially what Al said. So, there has been a gradual increase, but I am not happy with productivity. We would like to see it up over 1 young per active nest, and we are not there yet.

The recovery goal for Maine is 150 nesting pairs. If that productivity level could be increased, I think we could get to that 1 young per active nest.

A little more nostalgia, if I may. In 1974, I was involved with a transplant of bald eagle eggs from Minnesota to Maine, because, in those days, there were very few young eagles being produced in the State. I think in 30 nests, we had 5 to 7 young. Because of the pesticide called DDT which impaired their ability to reproduce, the population was in a rather steep decline.

So, we felt that if we could bring in eggs from clean populations, perhaps we could tide the birds over for a while while the DDT was being flushed from the system. As you probably know, Senator—I am sure you do know—DDT was taken off the shelf in 1972, but it is such a persistent environmental contaminant that it takes years for it to break down. It took a long time. In fact, we still see DDE which is the principal break-down product of DDT in Maine eagle eggs.

However, what we learned from that experience was that transplanting of eggs wasn't the most effective way to move eagles, so we jumped from there to moving young eagles. We actually found that adult birds sitting on eggs that weren't going to hatch could be induced to accept young. So, a lot of our pioneering work to protect and recover the bald eagle has gone on here in Maine.

The peregrine falcon was extirpated as a breeding species in Maine about 30 years ago. Arctic peregrines have always migrated through the State in spring and fall, but they don't nest here.

We list the arctic peregrine as threatened. Biologically, it has essentially recovered to numbers that migrated south in the pre-DDT days. So, we list it as threatened because of similarity of appearance. Once it gets in the U.S., no one can tell an arctic from an anatum peregrine, so it is listed as threatened to protect both species.

The efforts to restore the species as a breeding bird in Maine by releasing captive raised young are beginning to pay off, because State Fish and Wildlife officials have recently reported a pair nesting or, I guess, a possible nesting. We are pretty sure that there is a pair but not 100 percent until they raise young, but we are pretty optimistic about that.

Maine is included in recovery region 2 on the enclosed map which I unfortunately don't have. They didn't come back from the printers. I will submit it for the record. It is a map of the eastern United States, and it shows the five recovery regions that we have established for the peregrine falcon.

Northern New England is right now the most important recovery region, because we are trying to achieve 20 to 25 nesting pairs, and

75-958 0 - 87 - 2

this year, it looks as though we have at least 13. So, we are approaching our goal.

In the eastern United States, we believe we have between 50 and 60 nesting pairs. We know of that many pairs on territory. There are probably some others we don't know about. Our recovery goal for the entire East is 175 pairs which is approximately half the numbers that were known to nest in the East in pre-DDT days.

Realistically, I think we will exceed that number, and I think that the peregrine will be fully recovered by the early 1990s.

Piping plovers, recently listed as threatened on the Atlantic Coast, nest along Maine's beaches from York County to Phippsburg. There are only 15 pair in the State, and because of the pressures on public beaches, these birds are always going to require intensive management. There is just no easy way, because you don't buy beach and set it aside. The best you can do is try to manage the beaches that you have and educate the people so that they don't inadvertently cause losses to the plovers. It is a very sensitive species.

Our recovery goal for the plover is a 50 percent increase of nesting birds along the entire Atlantic coast with an annual average production level of 2.0 young per active pair which I believe Maine achieved this year. It was one of the few States where plovers did that well, raised 2 young per active nest. In some areas, we were lucky to get .2 young, primarily because of human disturbance.

The Furbish lousewort, found only along the St. John River in Maine and New Brunswick, was listed as endangered in 1978. Efforts to recover the species include establishment of additional populations and working with landowners to protect the existing ones.

The principal threats to the lousewort's existence, the Dickey and Lincoln School Dams, were both deauthorized by Congress, so the species future is somewhat brighter. Additional populations have been established from seed, and other new ones have been found, so we are optimistic about the recovery of this species.

The small whorled pogonia was listed in 1982. It is a rare member of the orchid family found throughout the East but primarily in the lakes region of central New Hampshire and southern Maine. Several new populations have been discovered, but others have been lost to private development.

Our recovery goal for that species is establishment of 30 secure populations of at least 20 individuals with 15 of the 30 in New England. This is going to be difficult to achieve. Accelerating land costs and the current pace of development are making it very hard to protect these populations. Most of them occur on private land, and it is difficult to convince the landowner that he should either set the land aside or donate it in some way not develop it given the amount of money that they can receive for doing so.

So, that is another species that is going to be difficult to protect as New England grows. I believe one of the earlier witnesses talked about the line of cars going north. Well, threats to the pogonia are directly related to the line of cars going north, I fear, because a lot of those people buy land and then they develop it.

Historically, States have always requested more funding than was available. My responsibility over the years has been to review submissions from all States in the region and try to make fair dis-

tribution based on relative degree of threat to the species, recovery potential, and to determine which projects would most likely improve the species' status.

Listing and protection of candidates are not normally handled under section 6. Our funds for listing are appropriated under section 15 of the act.

The Service is currently revising its vertebrate and invertebrate lists of candidate species and will review our plant list later this summer. As part of that process, we recommend status surveys for those candidates lacking enough data to either be listed or dropped from further consideration. This year, status surveys will be conducted on two candidate plants which occur in Maine, the Orono sedge and the variable sedge.

Previous status survey work identified three species which occur or once occurred in Maine and which are now the subject of Federal listing activity. The roseate tern which Al mentioned occurs in limited numbers along the Maine coast and has been proposed for endangered status in the Northeast. We are about to submit a final rule on that for Washington office review, so I would say listing is imminent before the end of the year as endangered.

The loggerhead shrike which once nested in Maine no longer does, to the best of our knowledge. It will likely be proposed for listing before the end of the year as will a plant called the prairie white fringed orchid.

The listing activity for those two species will be done by the Minneapolis office because they have more of the extant populations than we do. We have done the package on the roseate tern. That was done out of my office.

The position of the Fish and Wildlife Service is that the States must assume a larger share of funding responsibility for endangered species recovery activities. Our role will be to emphasize listing so that deserving species are given the act's protection.

The Service used the grant program as an incentive to encourage State involvement in endangered species activities, but now that has been accomplished. Twelve of the thirteen States in Region 5 have entered cooperative agreements to protect endangered and threatened fish and wildlife, and nine have entered plant agreements.

This completes my testimony, Senator. I appreciate the opportunity to appear, and I will be pleased to answer any questions.

Senator Mitchell. Thank you, Mr. Nickerson.

The view that you expressed in the last paragraph of your statement regarding the Service using the grant program as an incentive to encourage State involvement and that that has now been accomplished—that is the view of the Administration, but there is no evidence that is the view of the Congress when the law was established, is there?

Mr. NICKERSON. No, sir.

Senator MITCHELL. In fact, the intention of the law was directly to the contrary. I would like to read to you, if I could, the congressional report which accompanies this legislation when it was first enacted in 1973. It said,

The grant program at section 6 authorized by this legislation is essential to an adequate program. Conferees wish to make it clear that the grant authority must be exercised if the high purposes of this legislation are to be met.

Are you familiar with that?

Mr. NICKERSON. I am not particularly familiar with the testimony that led up to the passage of the law, no, sir.

Senator MITCHELL. Well, Mr. Hutchinson, speaking for Mr. Vail, do you think that the State could replace Federal funds from State and private sources?

Mr. HUTCHINSON. It would be extremely difficult if not impossible right now. Some things would have to change dramatically for that to happen.

Senator MITCHELL. Therefore, would it be your view that were the section 6 program to be terminated that there would be a slowing or impairing of the program's implementation here in Maine?

Mr. HUTCHINSON. There would be a rapid deterioration of it; it wouldn't be slow. It would deteriorate very quickly.

Senator MITCHELL. And do you think if the State were not able to proceed with the program that the Federal agency could pick up what the State is doing now?

Mr. HUTCHINSON. I think there would be difficulties in doing that. I think the local offices, regional offices, and the abilities the State has—I think it would be difficult for the Federal agencies to replace that on their own.

Senator MITCHELL. So, it would be fair to say that were the section 6 program to be terminated as proposed by the Administration that the implementation of the purposes of the Endangered Species Act, the protection and recovery of these species, would largely stop in Maine.

Mr. HUTCHINSON. I think that is a very good assumption.

Senator MITCHELL. Mr. Nickerson, at the present funding level under the section 6 program, how long will it take to recover the bald eagle and the peregrine falcon so that they will no longer need the protection of the act? Could you estimate that?

Mr. NICKERSON. Yes, sir. I can estimate it better for the peregrine, because we are beginning to see results rather quickly. I think by the mid-1990s, given current funding levels, the peregrine will be fully recovered in the eastern United States.

In the case of the eagle, a lot of it depends on their own reproductive success. I think the State has done an handsome job at protecting existing nest sites and educating landowners and cutting mortality, but, ultimately, the birds themselves have to increase production per active nest in order for the recovery goal there to be reached.

So, I am going to estimate 2000 before we are going to see the eagle recovered in Maine. In fact, maybe 2005.

Senator MITCHELL. That is at current funding levels. What would happen if the program were terminated as proposed by the Administration?

Mr. NICKERSON. Our ability to gather data would diminish. I am not sure that the eagle's ability to reproduce would be influenced one way or the other.

Senator MITCHELL. So, in your mind, there wouldn't be any effect on it.

Mr. NICKERSON. No, sir, I wouldn't put it that way. I think the more protection that can be offered the greater the likelihood of success, and by protection, I include management as well as law enforcement protection. So, I would not say there would not be any influence, but I think a large part of what is going to happen to the eagle is going to be determined by the eagle itself.

Senator MITCHELL. How about the falcon?

Mr. NICKERSON. The falcon will recover. I will predict that by the mid-1990s, sir, given current levels of funding. If the money goes away and the State is unable to hack falcons, it will be affected by delaying recovery by several years.

Senator MITCHELL. Last month, the director of the Fish and Wildlife Service—that would be your ultimate superior, I guess——

Mr. NICKERSON. Yes, sir.

Senator MITCHELL. Mr. Dunkle testified before this committee at a hearing in Washington last month, and this is what Mr. Dunkle said, and I am quoting now:

> The complex and often difficult task of recovering endangered species is one that is too large for any single agency. A coordinated recovery program involving Federal, State, and local interests is usually necessary.

Mr. Hutchinson has just said that that cooperative effort could not continue successfully if the section 6 funds were terminated. In your opinion, would these cooperative programs be affected by termination of the section 6 grant program?

Mr. NICKERSON. In other words, if we took all the section 6 money away from the State of Maine?

Senator MITCHELL. Yes, if we terminated this program in its entirety.

Mr. NICKERSON. Sure they would be affected.

Senator MITCHELL. Adversely?

Mr. NICKERSON. Yes, sir.

Senator MITCHELL. And to what extent, if you can elaborate?

Mr. NICKERSON. It would delay the rate of recovery of listed species.

Senator MITCHELL. And would it make recovery not possible in some instances? I am not just speaking here of Maine but of all the States within your jurisdiction.

Mr. NICKERSON. I think that is a real possibility. Yes, sir.

Senator MITCHELL. All right. Well, thank you both very much for your testimony. It has been very helpful. Please thank Mr. Vail for his statement.

Mr. HUTCHINSON. Thank you, Senator.

Mr. NICKERSON. Thank you, Senator.

Senator MITCHELL. The next panel's witnesses will be three persons: Joe Baldwin of the Maine Trappers Association; Thomas Eubanks, Supervisor of Wildlife Ecology with the International Paper Company; and Jane Arbuckle, Director of Wildlife Programs of the Maine Audubon Society—if they would all come forward, please, and take their seats at the witness table.

I know you are Mr. Eubanks, and you must be Ms. Arbuckle, so by process of deduction, we will conclude that Mr. Baldwin didn't make it this morning.

Ms. ARBUCKLE. I guess not.

Senator MITCHELL. All right. Then, Mr. Eubanks, would you like to begin?

Mr. EUBANKS. I would be happy to, Senator.

Senator MITCHELL. Thank you. As I indicated to the previous witnesses, your full statement will be placed in the record, and we ask you to limit your oral testimony to approximately five minutes.

## STATEMENT OF THOMAS R. EUBANKS, SUPERVISOR OF WILDLIFE ECOLOGY, INTERNATIONAL PAPER CO.

Mr. EUBANKS. Senator, my name is Thomas Eubanks, and I reside in Monmouth, Maine. My responsibilities include the coordination and management of wildlife, recreation, and environmental activities on International Paper Company's ownership in the Northeast.

Thank you for asking International Paper Company to participate in the hearing today.

International Paper has supported endangered and threatened species on its ownership throughout the United States in cooperation with 11 State agencies, 5 universities, and several private conservation organizations on 9 different animal species, as shown in attachment A.

In Maine, we have two sites where bald eagles nest on our property. Management provides for protection zones around the nest sites.

The peregrine falcon hacking programs are not located on IP land in Maine. However, we allow biologists to study potential release sites on our ownership.

In New York State, one of the two hacking sites in the Adirondacks is located on International Paper Company property.

A number of rare plant species are located on our ownership in Maine. The critical areas program has been working with IP on a number of these locations.

Senator Mitchell, the preceding information is provided so that you know that we are speaking with experience and first-hand knowledge in dealing with endangered species issues.

International Paper Company supports the continuation of the Endangered Species Act. Specifically, we support strengthening of Federal funding for the section 6 cooperative program between the States and the Federal Government.

There are several key issues related to the Endangered Species Act and particularly section 6 and the coordination between the Federal Government and the State agencies. One of those key issues is the continuity of funding.

Endangered species restoration projects generally require years of very intense effort to produce results, particularly for species that have very low populations and low reproductive rates such as the bald eagle and peregrine falcon that we have heard mentioned here today. Funding must be present from year to year.

Key issue number 2 is long-term funding. The Federal endangered species program reviews State projects to determine priorities for funding. This is a good business decision. However, the following, in our opinion, was a poor legislative decision:

Each year, all projects are thrown back in the pot to vie for priority status again. A State project may not rank as high the following year, and all section 6 funding stops.

The legislation needs to be changed so that the projects are not vying annually for funding. We need the change to provide long-term funding by allowing projects to be funded, once they are determined to be priority, for a 5-year period rather that 1-year. This would certainly allow much more continuity of the program over a long-term basis, and it allows the State agencies to reduce their paperwork on an annual basis. It is a waste of time to re-certify or re-justify their program from year to year.

If these species are determined to be a priority project one year, they are certainly a priority project the second year and the third year, and the funding should be allocated for a 5-year period rather than the 1-year period.

Senator MITCHELL. And I would like to point out in your remarks, that would reduce the administrative costs, would it not, because they wouldn't have to redo the projects each year.

Mr. EUBANKS. Yes, very definitely. And that just makes sense because the Federal monies are tight. State monies are tight, and the better business decisions that we can make to manage that money, everybody will be a winner.

With regard to the restoration time table, species restoration and eventual de-listing is not a short-term program. The effort with the American alligator took 15 to 20 years to turn the population around.

Other species like the California condor may take 100 years, if ever, to bring them back to viable reproducing populations in the wild while other species take immediate agreements with landowners for habitat protection. An example is the agreement International Paper entered into with the U.S. Fish and Wildlife Service and Auburn University to manage the Red Hills salamander habitat in Alabama. A copy of the agreement is attached.

Funding must continue at the Federal level for those priority projects which have longer time frames for restoration.

Seed money to the States or the section 6 grant monies is key issue number 4. Priority project funding through section 6 should be sustained to see the project completed and the population become self-sufficient in the wild. States should assume total cost of managing the priority species only after a viable reproducing population is established in the wild. Seed money is just that, money put into the project until the seed reproduces and the tree—or wildlife in this case—bears the fruit.

With regard to rural States, States with a low human population do not have as much financial resources available to sustain endangered species programs. For example, Maine's non-game income tax check off generates about $100,000 annually, while New York's tax check off generates about $1 million annually.

Section 6 funding, then, is significantly more important for rural States than for the urban States.

Key issue number 6 is private support. There is a general feeling that the private sector will pick up a greater portion of the tab for endangered species work. I don't believe that this will happen, be-

cause private funds available for worthwhile causes are being pulled in many, many directions.

International Paper will continue to do what we can in conjunction with our timber management to minimize impacts on endangered and threatened species. We have expended considerable time and dollars in the past and will probably continue to do so in the future. However, we will not have grant money available to provide for on-going projects year after year.

It is our opinion that sufficient long-term funding that can be counted on year after year will not be there from the private sector.

Central coordination is issue Number 7. The Federal Government must continue to act as a central clearinghouse for coordination of all projects between States, between regions in the U.S., and beyond our borders internationally. This is part of the good planning process to eliminate duplication and to make the limited dollars stretch further.

Finally, the wildlife resources, including endangered and threatened species of plants and animals, benefit the entire public, not just people in Maine or in California, but everyone. Therefore, Federal general fund monies should support a significant portion of the endangered species effort through section 6 coordination with the States. The health of our wild animal and plant populations is indicative of the environmental health of our human population as well.

Thank you.

Senator MITCHELL. Mr. Eubanks, I want to thank you not only for your statement, but for what you are doing and what your company is doing. International Paper Company, in my judgment, deserves to be commended by the people of this State and this country for the attention and effort being made in this area. I think what you are doing is an indication of a good corporate citizen, and I want you to know that your efforts are very much appreciated.

Thank you for your statement.

Mr. EUBANKS. Thank you.

Senator MITCHELL. Ms. Arbuckle?

## STATEMENT OF JANE ARBUCKLE, DIRECTOR OF WILDLIFE PROGRAMS, MAINE AUDUBON SOCIETY

Ms. ARBUCKLE. Well, I am very pleased that you are here and having this hearing. There is a lot of concern regarding endangered species, and in fact, over the last 5 years, a tremendous amount has happened in Maine.

We now have an endangered and non-game check-off, we have an endangered species program which we didn't have before, and we have a comprehensive endangered species listing which is less than a year old. So, things in Maine are really beginning to pick up for endangered species, and the Endangered Species Act has had a lot to do with that.

It has raised public awareness over the years. It encouraged the passage of the Maine endangered species act which, in fact, happened 12 years ago and nothing has gone on because of lack of funding over these years.

As a result, people are becoming increasingly active in regard to endangered species. In fact, a bill which would strengthen the State endangered species act has been introduced into the current State legislative session.

The bald eagle has been the focus of attention over the past decade, but groups of people have formed to protect a wide variety of other species, private individuals. They have worked on the common loon, bluebirds, reptiles and amphibians, ospreys, puffins, caribou, and a wide variety of other species, in many cases, hoping to keep those species from becoming endangered, because that is an area where there is almost no funding anywhere.

Another indication of this concern was demonstrated last November when the people of Maine passed a $5 million bond issue for the acquisition of wildlife habitat, including habitat for endangered species.

A citizen's advisory group was formed to make acquisition recommendations to the Department of Inland Fisheries and Wildlife. At a recent meeting of that group, endangered species habitat came out as the top priority for acquisition.

At Maine Audubon alone, we have received hundreds if not thousands of calls and letters each year from people requesting information about endangered species. A large portion of those, in fact, are from school children. I think endangered species are something the teachers are really pounding into the kids, but a lot of it, too, is from people who are concerned about local development or some land use management activity that may affect a local endangered species.

This public concern is wonderful. However, it doesn't necessarily bring in the funds required to hack a falcon chick or protect snake habitat or to watch a piping plover next and then be there every day to protect that nest from predators and high tides, et cetera.

The income from Maine's non-game tax check-off which was initiated to raise funds for the endangered and non-game wildlife fund started out as predicted in 1984. But as people have said, the income has dropped. Yet, this is the sole source of State funding for endangered wildlife species as well as the 400 or so other non-game species existing in Maine.

Without Federal endangered species funding for the bald eagle, the peregrine falcon, and for the first time this year, the piping plover, all of Maine's non-game funds would have to go towards basic work on these three species. With a program working only on three species, you can be sure that people would stop donating and the program would probably collapse.

One of the most important inadequacies of the current endangered species funding system is the instability of funding, as a number of people have said this morning. The State is always wondering where money is going to come from, didn't know about this year's money until March, and still doesn't know when the actual funding will get here.

I just want to point out that there are a lot of people affected by that instability other than the staff of the Department of Inland Fisheries and Wildlife and other than, of course, the actual species for whom the money is intended. One example is just in Portland where there was one falcon hack site.

The people who don't know what is going on are the people who are hired to be the attendants at that hack site, the city officials who have to be informed about that hack site, the building managers and owners who have to make arrangements about their maintenance schedules on the buildings, the building users who may have their use of the building restricted, Maine Audubon in Portland because we have to have staff involved in it and we have to allocate funding, and it is something that is always up in the air until it is almost too late.

Fortunately, people have been incredibly flexible because of their concern for these endangered species, and we have just been lucky in Maine.

The second problem is that funds are simply inadequate. Maine Audubon has been working on Maine's least tern and piping plover populations for 10 years now. Actually, this is the 11th year. Least terns have been listed as a State endangered species since 1983, and piping plovers, as has been stated earlier, were listed as a Federally threatened species in early 1986. They were candidate species for at least two years before that.

The State has never requested funding for least terns and only this year received funds for piping plovers. We hope it is not too late. Although we had 15 pairs last year and the best productivity rate of the whole East Coast, so far this year, we only have 4 to 6 nesting pairs of piping plovers along the coastline.

Just a comment on the need for cooperative agreements—one example with the piping plovers is that the plovers nest on State land, on private land, they have nested on some Federal property. Just because of that, we need cooperation between a number of agencies. When the Department of Inland Fisheries is involved or the U.S. Fish and Wildlife Service, other State agencies which aren't directly involved are much more likely to put efforts into protecting the species that nest on their property.

Over the years, another bird that Maine Audubon has worked on is the roseate tern which is currently a candidate species for threatened status. Yet, again, there are no funds to monitor or to protect Maine's roseate tern population.

Over the years, Maine Audubon has tried to raise funds from the private sector to work on these species. In fact, prior to the last few years, the private sector has funded most of the non-game work in this State.

The monies have been unstable and/or inadequate even though there are many concerned citizens out there. Private individuals have certainly been of key importance to the well being of many species, but endangered species need consistent help immediately. When they receive Federal protection, part of that protection must be adequate funds.

Now in Maine, with our first comprehensive endangered species listing less than a year old, we are just beginning to identify the species which need this Federal help. We hope that you will work toward securing it, because Maine simply does not have the resources to do it on its own.

Thank you.

Senator MITCHELL. Ms. Arbuckle, in his statement Mr. Eubanks expressed the view that private funding would not be available. He

expressed it from the perspective of the private, for-profit corporation. You work for a private, non-profit organization.

Do I take it that you share his view, however, that were the section 6 program to be terminated as proposed by the Administration that there would not be a replacement of that funding from private sources within the State?

Ms. ARBUCKLE. I think very definitely. We are already stretched so thin, and we are trying constantly to go to a wide variety of private sources for funding for these projects.

Senator MITCHELL. Can I take it that you concur in the view expressed by Mr. Eubanks that one of the essentials here is to have a stable source of Federal funding over a long period of time to match the needs of this effort which is long-term in nature?

Ms. ARBUCKLE. Yes.

Senator MITCHELL. Well, thank you both very much. You have provided very useful information.

Ms. Arbuckle, I commended Mr. Eubanks and his organization. Of course, I commend the Audubon Society for their outstanding work in this and many other areas of protection of bird natural environment. Thank you very much.

Ms. ARBUCKLE. Thank you.

Senator MITCHELL. Now, we do have some time remaining, and we distributed a sheet of paper which any person who wished to say something could indicate, and we have several persons who have written down their names and addresses. I will call your names in the order that they appear on this list, and then when this is exhausted, if time permits, I will ask if there is anyone else who wishes to speak.

So as to give every person who wants to say something an opportunity to do so, may I ask that you make your statements as concise as possible consistent with getting your point of view across.

The first person listed is Susan O'Byrne of Elliott. Ms. O'Byrne, would you come forward and take a seat. Welcome. Tell us what you think.

## STATEMENT OF SUSAN O'BYRNE

Ms. O'BYRNE. Thank you. It is good to be here.

I am a mother and a teacher and have always tried to impart an appreciation and respect for the environmental and our wildlife to my son and my students.

This August, I will be teaching a marine education workshop for the National Wildlife Federation at Bowdoin College in Brunswick. This is the second year that the Wildlife Federation has chosen to hold its summit in our State. I feel it is our responsibility to take a strong stand on the issue of protecting our endangered species so we can continue to be an example for the rest of the country and so the National Wildlife Federation will continue to choose Maine as its site to educate the public about our wildlife and the environment.

Thank you.

Senator MITCHELL. Thank you very much, Ms. O'Byrne.

The next person is Allison Dimple of Blue Hill, Maine.

Welcome, Ms. Dimple.

Ms. DIMPLE. Good morning, Senator Mitchell.

Senator MITCHELL. Did you drive all the way down from Blue Hill this morning?

Ms. DIMPLE. Yes, I did.

Senator MITCHELL. Well, then, you surely deserve to be heard.

## STATEMENT OF ALLISON DIMPLE

Ms. DIMPLE. I am here partly at the request of Mr. Harry Tyler of the Critical Areas program who asked me to introduce myself as a person who is working as consultant botanist with Dr. Christopher Campbell of the University of Maine at Orono.

We have been working to prepare the official endangered plant list for the State of Maine, and we have found that we have turned many times to the materials prepared by the Federal Government for the Endangered Species Act, especially those prepared by the U.S. Fish and Wildlife Service. Without these, I feel it would have been extremely difficult for us to prepare a list that was in the context of and in the keeping of lists prepared by other States.

I encourage you in your efforts to seek continued and adequate, increased and stable funding for the implementation of the Federal Endangered Species Act for many fine reasons that have already been mentioned but also for the reason that our example globally may be of an incredible importance that we can only guess at at this time and that our decisions that are made in these days will be of tremendous consequence to future generations.

Thank you.

Senator MITCHELL. Thank you, Ms. Dimple. That is a very eloquent statement.

Bob Bowman of Northeast Harbor. That is even farther away than Blue Hill. Welcome, Mr. Bowman.

## STATEMENT OF ROBERT BOWMAN

Mr. BOWMAN. I am a research associate at the College of the Atlantic. I have been working with various citation species as well as seals for the last 10 years off the coast of Maine, and I also own Maine Whale Watch which is a business that I started in 1982 to help support both logistically and financially citation research projects on the coast of Maine.

I would like to read a short statement written by Dr. Steve Katona who is the director of our lab at the College of the Atlantic. He says:

I am grateful for the opportunity to submit this testimony to your Subcommittee on Wildlife Conservation and wish I could be present to do so in person.

I have a longstanding involvement in the biology of endangered species, and it was the opportunity to do research on endangered marine species that brought me to Maine and the College of the Atlantic in 1972.

Under contract to the National Marine Fisheries Service of NOAA, our laboratory curates the North Atlantic humpback whale fluke catalogue. Maine's endangered species and non-game wildlife grants program has supported initial development of our North Atlantic finback whale catalogue. One of our alumni, Scott Kraus, directs the North Atlantic right whale catalogue. All of these efforts use photo identification of individual whales to study migrations, population structure, fecundity and mortality, and population size of the different species.

From my perspective, your efforts and the work of your committee are now more important than ever. Human pressures on the environment, already intense, continue to increase steadily. As an example, whales today must endure a dangerous com-

bination of threats, including collisions with ships; entanglement in fishery gear such as gill nets; entanglement in abandoned rope or fishery gear; various types of chemical pollutants; noise disturbance from shipping, commercial and military sonar, blasting for oil exploration, and other sources; and preemption of important habitats by human development. Hunting is a tractable problem compared to some of these pressures which include thoughtless or unintentional by-products of otherwise valuable human activities.

I do not think that most whales will go extinct next year or in five or ten years, although the North Atlantic right whale with perhaps only 400 animals in the population is vulnerable on such a time scale. However, I am concerned about longer-term survival, because I do not believe that the species can withstand today's pressures for a century or more.

On the other hand, many marine mammal species have proved to be quite resilient when human induced mortality has been relieved. I am hopeful, therefore, that protection and effective management can allow whales to recover from many decades of over-hunting.

It has been said often but cannot be repeated enough, extinction is forever. Management of a species to maximize its chances for perpetuity will require continued vigilance, manifested in several ways.

First, I urge your committee to take every opportunity to support or strengthen endangered species legislation. Second, I hope you will encourage decisions or legislation to allocate money toward research on whales and other endangered species. This work should be done on both Federal and State levels.

Maine's endangered species and non-game wildlife grants program, for example, is itself threatened, since its financial base, the chickadee check-off, is meeting increasing competition from other voluntary income tax check offs. The program needs to be expanded to meet increasing challenges to the State's wildlife, and it would be tragic if this far-seeing program suffered further decline.

Special research funds need to be allocated for continuing long-term projects, because many endangered species, including whales, eagles, and other large animals and plants, have long lifetimes and need long-term surveillance for proper understanding and management. The cumulative knowledge gained from long-term studies is particularly important, yet such programs are always vulnerable to short-term swings of the political of financial climate.

Third, I hope you will continue to support education at all levels and to encourage the development and incorporation of endangered species information into curricula at all levels.

We all share the responsibility for preserving the biological diversity of planet Earth. It is probably the single most important goal for which we can work, because achieving that goal will also require us to solve the other great problems confronting humanity. It is also the greatest legacy that we can leave to future generations.

Sincerely, Steven Katona.

Senator MITCHELL. Thank you very much, Mr. Bowman.

The next person is Christopher Campbell, doctor of botany at the University of Maine.

Mr. Campbell, welcome.

## STATEMENT OF DR. CHRISTOPHER CAMPBELL, BOTANIST, UNIVERSITY OF MAINE

Dr. CAMPBELL. Thank you, Senator Mitchell. I am glad to be here.

I am a plant biologist, and some of the research that I do involves the biology of endangered plant species. I am here today with five graduate students from the University of Maine, all of whom have done work in rare plant biology, to make basically one major point, and that is to keep in mind the broad perspective which acts as an umbrella over everything we are doing, and that is the notion of biotic diversity.

Concern for endangered plants is really rightly considered to be a part of the concern for biotic diversity. There are sound arguments, biological, ecological, economic, and aesthetic arguments,

for maintaining biotic diversity. I should emphasize that the loss of any species, regardless of its seeming unimportance in biological, ecological, economic, or aesthetic contexts, represents a diminishing of our natural heritage.

Therefore, I urge you to maintain or actually to increase Federal support for preservation of biotic diversity.

Thank you.

Senator MITCHELL. Thank you very much.

Karen Woodsome with the Defenders of Wildlife.

Ms. WOODSOME. Senator Mitchell, good morning.

Senator MITCHELL. Good morning, Ms. Woodsome. Welcome.

## STATEMENT OF KAREN WOODSOME, DEFENDERS OF WILDLIFE

Ms. WOODSOME. Defenders will be submitting an extensive testimony which I won't go into now, but I would just like a few moments for some personal notes.

Senator MITCHELL. Go right ahead.

Ms. WOODSOME. I have had an opportunity to work for almost 10 years now at the grass roots level with a number of Maine folks who are very committed and enthusiastic about all wildlife and, specifically, endangered and threatened species, first with a group called Mainers for Wildlife that about 30 of us got together and created in about 1978, and then with the Maine chapter of Defenders of Wildlife which was very much involved as the Endangered Species Act went through its reauthorization every few years. We had a real strong group of people who submitted letters of support and got very actively involved with maintaining a very strong act.

I then had an opportunity to work out in the Midwest for a couple of years on the protection of the endangered timber wolf and, specifically, in Wisconsin where a very small population of wolves, about 12, have their very existence threatened by the fact that section 6 monies has not been available to those researchers who are attempting to monitor that very small population.

The reason that I bring up wolves is that some of our strongest supporters and the people who helped the most in trying to obtain that section 6 money were Maine people who may never hear the howl of a wolf or see a wolf which was, of course, once a native species of Maine but who care very much about the fate of endangered species in all of the United States and not just here in Maine.

I also had the opportunity to watch a young boy on the streets of St. Paul put construction worker cones around a peregrine falcon that was feeding on a pigeon because he was concerned that people would get too close.

I bring up those examples because I think, very often, we underestimate how much the average person on the street, so to speak, cares about our endangered species.

It has been my privilege to work with Maine people. I am now living in Wayne, Maine, and I am regional director of Defenders of Wildlife. Of the seven States that I cover, I have to say that although we may not be very high on the scale of population centers, we have the most enthusiastic and committed people when it comes to endangered species.

Thank you.

Senator MITCHELL. Thank you very much, Ms. Woodsome.

Frances Pone?

Ms. PONE. I prefer to hear the other speakers.

Senator MITCHELL. Well, you are the last one on the list, so speak now or forever hold your peace, I guess.

Ms. PONE. Thank you, Senator.

Senator MITCHELL. All right. Is there anyone else who has not written their name who would like to say something? Come on up and just give your name and say a few words. We have a few more minutes. Go right ahead.

## STATEMENT OF HANK TYLER, DIRECTOR, CRITICAL AREAS PROGRAM, STATE OF MAINE PLANNING OFFICE

Mr. TYLER. I am Hank Tyler, Director of the Maine Critical Areas Program.

It is a pleasure to be here this morning, Senator Mitchell, to strongly support the concept of endangered species protection, particularly plants.

Since 1974, the Critical Areas Program has been conducting inventories of Maine's special habitats—coastal islands, river banks, alpine areas, and forests—to identify areas where critical areas and endangered species occur. We have worked in cooperation with the U.S. Fish and Wildlife Service and the National Park Service on conservation of endangered species and their habitat.

The Critical Areas Program staff has worked very closely with the Office of Endangered Species on the protection and conservation of endangered and threatened plants in Maine. Along the St. John River in Aroostook County, we have collaborated with botanists and landowners to promote the protection of the Furbish lousewort. Today, I am pleased to say, the State officially recognizes 10 critical areas for the Furbish lousewort and other rare plants along the St. John River.

In 1985, the State Planning Office signed a cooperative agreement under the terms of section 6 of the Endangered Species Act with the Office for the Conservation of Endangered Plants in the State of Maine. Under this agreement, we have received matching funds that have allowed us to continue our work searching for two federally endangered plants in the State of Maine, the Furbish lousewort and the small whorled pogonia.

Our work for plants has just started compared to the work that has been mentioned on animals.

Last year, we were successful in finding new populations of both the Furbish lousewort on the St. John as well as the small whorled pogonia in southern Maine. This year, we will complete an educational brochure on the rare plants and endangered plants of the St. John in order to promote a better understanding of the unique botanical features of the area.

Section 6 funds provide a financial partnership between the Federal Government and the State government for endangered plant work. However, the overall level of funding is very meager, particularly for plants. Last year, we received a grand total of $5,000,

and this year, $8,000. Compared with other projects and other sums, it is a very meager amount.

Maine is a large State with a rich diversity of ecological habitat. However, only very modest funds have been provided to work with species in Maine.

The Federal Government needs to increase financial support for the Office of Endangered Species as well as for the section 6 funding. Federal funds awarded to State programs through section 6 need to be sharply increased so that State programs can continue with that partnership to implement the recovery and conservation of endangered species.

Maine recently passed a law authorizing the creation of an official list of endangered plants, again, in terms of partnership with the Federal Government. Protection of these plants depends upon the cooperation and voluntary action of the landowners, many of whom are private citizens. We need more funding to increase our efforts to promote the protection of these plants. At the same time, we need funding for land use planners to promote the wise use of Maine's land so that endangered plants and animals are not adversely impacted.

To give you a feeling for the order of magnitude of proposed endangered plants and threatened plants in the State of Maine, there are 86 proposed endangered plants, 75 threatened, and 99 that are possibly extirpated in the State.

The State of Maine's Critical Areas Program is a partner in the endangered species program with the Federal Government. We have a duty to ensure that our children's generation will inherit a planet that still possesses a rich diversity of fauna and flora, not just endangered species.

Thank you very much.

Senator Mitchell. Thank you, Mr. Tyler.

Does somebody else want to speak? Come on up.

Mrs. VICKORY. Good morning, Senator Mitchell.

Senator MITCHELL. Good morning.

## STATEMENT OF BARBARA VICKORY, DIRECTOR OF SCIENCE AND STEWARDSHIP, MAINE CHAPTER OF THE NATURE CONSERVANCY

Mrs. VICKORY. My name is Barbara Vickory. I live in Richmond, Maine. I am Director of Science and Stewardship for the Maine Chapter of the Nature Conservancy. I am here to submit written testimony on behalf of the Nature Conservancy and its natural heritage program, but I would also be grateful for the opportunity to add my brief personal comments.

Last week, I spent the day on Sawall Beach with a staff of Maine Audubon Society and a group of Nature Conservancy volunteers who were there to help us put up fencing to protect nesting piping plovers. I would add parenthetically that this fencing effort is a project not funded by section 6 monies but made possible by private contributions.

The volunteers and the voluntary contributors were there because they care about the survival of endangered species in Maine. In fact, all of the efforts of the Maine chapter's land acquisition

and stewardship programs are made possible by the support both in time and in contributions of our 10,000 members.

The extent of that support demonstrates that the people of Maine are deeply committed to endangered species protection. They have made a long-term commitment, but they can't do it alone. They need the leadership and commitment of their Federal Government.

You asked Mr. Nickerson how much difference it makes with regard to what level of funding actually influences what happens. I would say it strongly influences the ability of the Nature Conservancy to raise the funds necessary for endangered species habitat protection and to negotiate acquisitions of such habitat with private landowners. That ability is strongly influenced by the Federal program and its overall posture on how aggressively it is pursuing conservation.

Therefore, on behalf of the membership of the Maine Chapter of the Nature Conservancy, I strongly urge both the 5-year reauthorization of the Endangered Species Act and sustained Federal funding for its implementation.

Thank you.

Senator MITCHELL. Thank you. Is it Mrs. Vickory?

Mrs. VICKORY. Mrs. Vickory, yes.

Senator MITCHELL. Mrs. Barbara Vickory. All right, thank you. Was there someone else? Come on up.

## STATEMENT OF RAY OWEN, CHAIRMAN, WILDLIFE DEPARTMENT, UNIVERSITY OF MAINE

Mr. OWEN. Senator Mitchell, my name is Ray Owen. I am Chairman of the Wildlife Department at the University of Maine.

I have been involved in endangered and threatened species work since about 1974 and was coordinator of the bald eagle restoration program for about 10 years in concert with the State and Federal Government.

I guess I would just like to comment on the continuity of funding and the difficulty it is to have a viable on-going program when we indeed go almost five or six months not knowing whether we are going to have dollars for a program that is moving. Some of the work is done in the winter time. I have had to write job termination notices to employees. I have had to lock up vehicles, and it is only that the university was involved in this and allowed us to go on good faith many years that we had the program as effective as I think it has been.

So, it is a very difficult problem for those who sub-contract and do a lot of the field work.

Another point I would like to mention is that we have just drawn up a State list of both plants and wildlife species endangered and threatened, and I think you will see that there are a number of new species at are going to be looked at very critically for possible listing.

The funds just do not exist in the State of Maine to carry out this work. Our Fish and Wildlife Department often is just about running in the red. Sometimes they can't meet salaries, and I don't see that we will ever be able to take over the role that Paul Nick-

75-958 0 - 87 - 3

erson suggested the Fish and Wildlife Service would like to see us do. For a poor State, that just is not possible, and I think additional funding is important, but just as important is the continuity of funding.

Thank you.

Senator MITCHELL. Thank you very much, Mr. Owen.

Please come up.

**STATEMENT OF VANESSA NEVELA, MAINE GROUP, SIERRA CLUB**

Ms. NEVELA. My name is Vanessa Nevela, and I edit the Sierra Club Maine Group's newsletter. I am here on behalf of Cheri Mason who is our wildlife chair and also a member of Maine's Endangered/non-game Advisory Council.

The Maine Group of the Sierra Club and its statewide membership of 1400 strongly supports a reauthorized Endangered Species Act. We further believe that the act needs strengthening.

We ask that the Congress, beginning with this subcommittee, reject all weakening amendments such as those that would expand the hunting of grizzlies, wolves, and other threatened species.

Another major concern is that funding be increased to adequately implement the act. We recommend $80 million for the fiscal year 1988 to be increased to $105 million by fiscal year 1992.

The budget for the Fish and Wildlife Service's endangered species program this year is only $29.2 million. The goals of the act cannot be met at the current budget levels.

Within the recommended increase is $25 million earmarked for section 6 which would make the States fiscal partners in the urgent effort to slow the rapid disappearance of the nation's plant and animal species. Here in Maine, our endangered species program is approaching a state of financial collapse. Its primary funding depends on the chickadee check-off on income tax returns, and there continues to be a dramatic drop in those contributions. Each year, the program must literally go begging for $5 and $10 donations in order to pay for the critical recovery projects that are underway.

Maine Group of the Sierra Club is represented on the State Endangered and Non-game Advisory Council, so we understand firsthand the tremendous budget constraints under which the program operates. For example, 80 percent of the bald eagle nest sites in Maine are protected through voluntary agreements with landowners. Contact with these landowners has been cut due to lack of staff, and now all of these agreements are at least a year past expiration.

Last year's peregrine falcon recovery report, essential in maintaining the support of individuals and groups throughout the State who are cooperating in the recovery process, is almost a year overdue.

Almost 100 of Maine's wildlife species require special management and, of those, 25 percent are in immediate danger of being lost. Clearly, the average of $30,000 a year in Federal support from the Endangered Species Act is not enough.

We are aware of Congress' current preoccupation with the deficit, but our failure to protect endangered species now may impose

more serious costs down the road. The California condor and black-footed ferret are good examples.

Finally, we endorse amendments to the act which address the following:

A monitoring system should be established which requires the Secretary of the Interior to monitor candidate species awaiting listing and to promptly list those facing significant threats.

The theft of listed plants anywhere or trespass to collect them should be made violations of the act.

Individuals who ignore Endangered Species Act protections and who destroy endangered wildlife should be made to pay to restore that wildlife.

It should be emphasized that government agencies must consult with Interior concerning the effects of their actions on endangered species in foreign countries.

Thank you, Senator Mitchell, for providing this opportunity for the public to express its overwhelming support for a strong Endangered Species Act.

Senator MITCHELL. Thank you, Ms. Nevela.

Come on up.

Mr. BRYANT. Good morning, Senator Mitchell.

Senator MITCHELL. Good morning!

## STATEMENT OF DONALD BRYANT, PORTLAND, ME

Mr. BRYANT. My name is Donald Bryant, and my address is 102 State Street, Portland, Maine.

I am just a citizen and a sportsman, a hunter and fisherman. I think I have noticed that the hunting and fishing licenses have gone up something like 100 percent in the last 5 or 6 years. It seems like there has been a very great increase in the fishing licenses.

I have seen the fishing—just the ordinary sport fishing—I have seen it terrible down in this area. I very seldom ever catch any fish. Years ago, I would say when I first moved up to Maine in 1952, the fishing was pretty good.

And also the hunting. I think the hunting is sort of coming back, but I have seen the fishing as rather terrible for the ordinary sportsman, and I have seen the doggone fishing licenses go up about 100 percent in the last 5 or 6 years.

That is all I have to say, Senator Mitchell, and I thank you very much.

Senator MITCHELL. Thank you, Mr. Bryant.

Come on up. I have to go in about five minutes, so——

Mr. ALBRIGHT. Thank you very much, Senator Mitchell. I will be very brief.

## STATEMENT OF JOHN ALBRIGHT, PRESIDENT, MAINE CHAPTER, WILDLIFE SOCIETY

Mr. ALBRIGHT. My name is John Albright. I am President of the Maine Chapter of the Wildlife Society. I will submit a letter of testimony to you, and I will just take the time to very briefly summarize a couple of comments.

The Wildlife Society, as you may know, is the professional organization of wildlife administrators, researchers, educators, enforcement personnel, et cetera. It is an international group dedicated to seeking sound, scientifically based management of all wildlife resources.

I am here simply to strongly endorse Senate bill 675 to reauthorize the Endangered Species Act, specifically for 5 years to provide continuity of effort and to foster stable Federal-State cooperative efforts. We are asking for increased section 6 funding to States for protection and recovery efforts. We are specifically asking for the passage of the amendment giving candidate species proposed status under section 7(a)(4) of the act and passage of the amendment to provide increased protection for plants under section 9(a)(2) of the act.

I would also like to simply stress the importance of increased section 6 funds specifically for those 24 animals and 11 plants in Maine currently listed as endangered or threatened candidate species in Maine. There are virtually no funds allocated for the necessary inventory, protection, or recovery efforts for those. I think it is an important gap, and we strongly urge you to work to fill that gap.

Thank you very much.

Senator MITCHELL. Thank you, Mr. Albright.

Come on up.

## STATEMENT OF GLENN GRANT

Mr. GRANT. Good morning, Senator Mitchell. I am Glenn Grant and will register as a concerned citizen.

Senator MITCHELL. All right.

Mr. GRANT. Earlier this week, I had the courtesy of a phone call from your aide, and we discussed at length several things concerning our surroundings, environment, and so forth, and I thank you for that.

I am an avid hunter, sportsman, fisherman, conservationist, zoology major from way back, and I think it is important that we look to another aspect of this hearing. I think it is important that we realize that it is the endeavors of everybody concerned that are needed to progress as we have been through these short-term funding features that we have had via the act. I think it is very important that we have the consistency and we have the continuity assured of the people who are the professionals in the field and the likes of the Audubon Society and so forth who are taking the front and providing people and warm bodies and so forth to do those things not encompassed by the funding.

I think it is also important that we realize that it is not a political arena where the Reagan Administration is looking for a cutback here. I am a Republican of note, and I think it goes beyond those bounds. It is a bipartisan situation, and I commend your efforts there.

The most important thing that I am going to stress and then I shall leave is that we need the common and cooperative methods of all people who are concerned. While we may be diverse in our own ideas such as whether to hunt or not to hunt or whether to con-

serve or not to conserve, to develop or to clear-cut or what have you, I think that the more common ground is that of concern, because those creatures that we are to protect or the flora and fauna don't have anybody but us to either enhance their situation or destroy their situation.

So, it goes beyond any political arena. It goes back to being curators of what we have been offered here on earth. I just think that all efforts, instead of tearing at each other, should be geared toward giving the best back that we can after what we have destroyed thus far.

Senator MITCHELL. Thank you very much, Mr. Grant. That is a very fine statement.

I agree with that. In fact, two of the cosponsors of our legislation are Senator Chafee of Rhode Island who is the former chairman of this subcommittee and Senator Stafford of Vermont who is the former chairman of the full Environment and Public Works Committee, both of whom are Republicans and who have done more to protect the environment of this country in this decade than any other persons in or out of Congress, in my judgment.

So, you are quite right. It is a bipartisan effort. Indeed, as I have said many times, the Republican party has a long and proud heritage of protection of our environment. We can see that in our own laws here in Maine which are the result of bipartisan efforts over many years.

So, thank you for your comments.

Mr. GRANT. Thank you, Senator.

Senator MITCHELL. If there is no one else who wishes to speak, I will then just thank all of you for coming, those of you who testified and those of you who have come to observe and listen. The testimony today and the documents that have been submitted will be useful to me and the other members of the subcommittee in devising the most reasonable course of action to take with respect to this legislation.

I think it is clear that the Federal-State cooperative effort has worked in the past. Its success has been hampered by a lack of funding and reliability, and we will proceed, to the best of our abilities, to ensure adequate protection for endangered species here in Maine and across the country in the coming years.

As I said in my opening statement, the hearing record will remain open for two weeks. Any person who wishes to submit any additional comment may do so, and it will be included in the record.

Thank you all very much.

The hearing is concluded.

[Whereupon, the subcommittee adjourned, to reconvene subject to the call of the Chair.]

[Statements submitted for the record follow:]

STATEMENT OF
REP. PATRICK K. McGOWAN
MEMBER OF THE COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
BEFORE THE SENATE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
MAY 26, 1987

MR. CHAIRMAN, I AM STATE REPRESENTATIVE PAT McGOWAN AND I AM PLEASED TO BE HERE AS A MEMBER OF THE MAINE LEGISLATURE'S JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS. I ALSO HAPPEN TO COME BEFORE YOU TODAY AS ONE OF THE MANY RESIDENTS OF MAINE CONCERNED WITH THE PRESERVATION OF THE STATE'S WILDLIFE.

HAVING A PERSPECTIVE ON BOTH MAINE'S WILDLIFE AND MAINE'S FINANCIAL RESOURCES GIVES ME A CLEAR AND UNSETTLING VIEW OF WHAT IS HAPPENING IN MAINE REGARDING THE PRESERVATION OF MAINE'S ENDANGERED PLANT AND ANIMAL LIFE. ACTUALLY, UNSETTLING IS NOT A STRONG ENOUGH WORD. I AM VERY CONCERNED WITH THE PRESENT CONDITION OF EFFORTS TO PROTECT MAINE'S ENDANGERED PLANTS AND ANIMALS.

ONE REASON FOR MY CONCERN IS THAT AS I STAND BEFORE YOU TODAY, RIGHT NOW, THE STATE OF MAINE IS FINANCING AN ENDANGERED SPECIES PROGRAM THAT THE FEDERAL GOVERNMENT INITIATED 10 YEARS AGO, THAT THE FEDERAL GOVERNMENT PROMISED TO SUPPORT FINANCIALLY WITH A NINE-TO-ONE MATCHING GRANT PROGRAM, AND THAT THE FEDERAL GOVERNMENT HAS SO FAR FAILED TO FUND EIGHT MONTHS AFTER WE WERE TOLD TO EXPECT THE MONEY. THE STATE OF MAINE IS NOW FUNDING THIS PROGRAM FULLY. AND IF THAT WAS NOT BAD ENOUGH, THIS LACK OF FUNDING HAPPENS JUST ABOUT EVERY YEAR AT THIS TIME. AS STATE OFFICIALS WAIT FOR FEDERAL FUNDING -- HOPING IT ARRIVES -- THEY MUST TAKE STATE FUNDS FROM OTHER STATE ENDANGERED-SPECIES PROGRAMS TO KEEP THE FEDERAL PROGRAM ALIVE.

THIS FEDERAL PROGRAM IS A GOOD ONE, A CRITICAL ONE, CURRENTLY AIMED AT PROTECTING THREE SPECIES OF ANIMAL LIFE IN MAINE -- THE BALD EAGLE, THE PEREGRINE FALCON, AND THE PIPING PLOVER -- AND TWO SPECIES OF PLANT LIFE --

THE FURBUSH LOUSEWORT AND A RARE TYPE OF BEGONIA. MAINE AND OTHER STATES RELY HEAVILY ON THE FEDERAL PROGRAM. AND YET, AS MOST OF US IN THIS ROOM ARE ALL TOO AWARE, BECAUSE MONEY FROM THE FEDERAL ENDANGERED SPECIES ACT IS APPROPRIATED ANNUALLY AND DIVIDED ANNUALLY AMONG THE STATES, THERE IS NO GUARANTEE THAT THE FUNDS WILL BE THERE YEAR TO YEAR, AND NO ASSURANCE THAT THEY WILL ARRIVE IN TIME TO KEEP EXISTING PROGRAMS GOING.

AS A RESULT, I AM TOLD, STATE OFFICIALS ARE CONSTANTLY SCRAMBLING TO FUND THE FEDERAL PROGRAM UNTIL FUNDING ARRIVES BY USING STATE FUNDS DEDICATED FOR PRESERVING OTHER ENDANGERED AND NON-GAME WILDLIFE. ON AT LEAST ONE OCCASION, FUNDING FOR THE FEDERAL PROGRAM WAS CUT OFF IN THE MIDDLE OF THE PROGRAM. OFFICIALS WERE FORCED TO CUT SOME STATE INITIATIVES AND LIMIT OTHERS IN ORDER TO HOLD TOGETHER THE FEDERAL EFFORT, WHICH HAD ALREADY ATTRACTED TOO BIG OF A COMMITMENT TO JUSTIFY DROPPING. AND EVERY YEAR SINCE THE FEDERAL PROGRAM BEGAN, I AM TOLD, THE STATE HAS BEEN FORCED TO LAY OFF EXTREMELY VALUABLE BALD EAGLE EXPERTS UNTIL THE FEDERAL FUNDING ISSUE IS RESOLVED. AND IF MY UNDERSTANDING IS CORRECT, SOME OF THOSE EXPERTS ARE SO FED UP WITH THE UNCERTAINTY THAT THEY HAVE DECIDED TO LOOK ELSEWHERE FOR MORE STEADY WORKING CONDITIONS.

THIS PROBLEM OF NEVER KNOWING IF AND WHEN THE FEDERAL MATCHING GRANTS WILL ARRIVE IS JUST ONE DIFFICULTY STATE OFFICIALS FACE. THE OTHER IS THE AMOUNT OF THE FEDERAL SUPPORT THEY RECEIVE. UNDER THE FEDERAL ACT, EACH DOLLAR OF STATE MONEY USED TO HELP SPECIES THAT ARE ON THE FEDERAL ENDANGERED SPECIES LIST AND THAT ARE MIGRATORY WOULD BE MATCHED WITH NINE DOLLARS OF FEDERAL MONEY. IN ACTUALITY, BECAUSE OF A CONSTANT BATTLE BETWEEN THE PRESIDENT AND CONGRESS OVER THE FUNDING OF THE PROGRAM, CHRONICALLY LIMITED FUNDING FOR THE FEDERAL PROGRAM HAS PREVENTED THE GOVERNMENT FROM

PROVIDING THAT MATCH. AS AN EXAMPLE, MAINE ALLOCATED ENOUGH MONEY LAST YEAR TO LEVERAGE ABOUT $150,000 IN FEDERAL MATCHING FUNDS. BECAUSE STATE OFFICIALS REALIZED THEY WOULDN'T STAND A CHANCE OF RECEIVING THAT MUCH, THEY REQUESTED $93,000. THAT AMOUNT DID NOT REFLECT THE NEED .... THE STATE ONLY RECEIVED $58,000. OVER THE 10 YEARS OF THE PROGRAM, MAINE HAS RECEIVED AN AVERAGE OF $30,000 A YEAR, MUCH LESS THAN IT REQUESTED.

THIS LACK OF FEDERAL FUNDING COMES DURING A TIME WHEN THE AMOUNT OF STATE FUNDS AVAILABLE FOR PROTECTING ENDANGERED AND NON-GAME SPECIES IS DROPPING. AS I'M SURE YOU KNOW, MR. CHAIRMAN, FOUR YEARS AGO, REFLECTING THE STATE'S GROWING AWARENESS OF THE IMPORTANCE OF ITS ENDANGERED AND NON-GAME SPECIES, THE STATE ADDED A CHECK-OFF TO ITS STATE INCOME TAX FORM ALLOWING TAXPAYERS TO CONTRIBUTE TO A SPECIAL FUND USED FOR RECOVERING AND PROTECTING ENDANGERED AND NON-GAME WILDLIFE. IN THE FIRST FULL YEAR OF THE CHECK-OFF, $130,000 WAS COLLECTED. LAST YEAR, THE CHECK-OFF ONLY ATTRACTED $110,000 IN DONATIONS. PART OF THE CHECK-OFF MONEY IS USED FOR THE FEDERAL MATCH AND APPLIED TO THE THREE SPECIES OF BIRDS AND TWO TYPES OF PLANTS REFERRED TO EARLIER. THE REST OF THE CHECK-OFF FUND IS USED FOR STATE PROGRAMS AIMED AT MAINE'S 450 OTHER SPECIES OF ENDANGERED AND NON-GAME WILDLIFE.

THE CHECK-OFF IS JUST ONE SIGN OF OUR GROWING COMMITMENT TO RECOVERING AND PRESERVING MAINE'S ENDANGERED SPECIES. ANOTHER MORE RECENT SIGN IS A BILL NOW IN THE MAINE LEGISLATURE CALLING FOR A STUDY OF THE SIGNIFICANCE OF GAME AND NON-GAME WILDLIFE ON THE STATE. SUCH A STUDY WOULD INCLUDE ENDANGERED AND NON-ENDANGERED SPECIES ALIKE. BUT EVEN THE INCREASED STATE FOCUS ON MAINE'S WILDLIFE WILL NOT BE ENOUGH TO ADEQUATELY PROTECT AND ENHANCE MAINE'S ENDANGERED SPECIES. AS MORE TIME PASSES AND AS INCREASED DEVELOPMENT OF MAINE'S COASTAL AND INLAND RESOURCES ELIMINATES

IMPORTANT FEEDING AND NESTING GROUND, A GREATER EFFORT WILL BE NEEDED TO PROTECT MAINE'S ENDANGERED WILDLIFE. THAT IS WHY A SUBSTANTIAL AND STEADY COMMITMENT FROM THE FEDERAL GOVERNMENT IS SO CRUCIAL. DESPITE THE PROBLEMS, THE COMBINED FEDERAL AND STATE EFFORT HAS SUCCEEDED OVER THE LAST FEW YEARS IN RECOVERING AND PROTECTING SOME OF MAINE'S ENDANGERED SPECIES. ACTUALLY, CONSIDERING THE LACK AND INCONSISTENCY OF FEDERAL SUPPORT, THE STATE'S SUCCESS IS REMARKABLE. I'M SURE YOU WILL HEAR MORE ABOUT THOSE SUCCESSES FROM UPCOMING SPEAKERS. HOWEVER, THERE IS NO DOUBT THOSE SUCCESSES HAVE BEEN LIMITED BY THE FACTORS ALREADY MENTIONED. AS AN INDIVIDUAL INTERESTED IN THE STATE'S WILDLIFE AND KNOWLEDGEABLE ABOUT THE STATE'S FINANCES, I AM WELL AWARE THAT THE AMOUNT THE STATE IS NOW RECEIVING IN FEDERAL MATCHING MONEY IS TOO LITTLE TO DO THE JOB. ABOUT $150,000 IS NEEDED TO PROVIDE A BASIC, SOLID CORE PROGRAM TO HELP OUR ENDANGERED SPECIES. IF WE HAD THAT RIGHT ALONG, WE WOULD BE MUCH FURTHER IN OUR EFFORTS. IF WE COULD BEGIN COUNTING ON THAT KIND OF SUPPORT, WE COULD ENHANCE OUR BALD EAGLE NESTING SITE PROTECTION EFFORTS AND FIGHT CURRENT SUBDIVISION PROPOSALS THAT NOW THREATEN FOUR BALD EAGLE NESTS IN MAINE; AND WE COULD REINSTITUTE THE PUBLIC EDUCATION COMPONENT OF THE PROGRAM THAT WE WERE FORCED TO ELIMINATE FOR LACK OF FUNDS -- TO NAME TWO BENEFITS.

IF THE SITUATION REMAINS THE SAME, WITH DELAYED AND INCONSISTENT FUNDING, I CAN ASSURE YOU THAT WHILE WE WILL BE ABLE TO MAKE CONTINUED SLOW ADVANCES IN SOME AREAS AND HOLD OUR OWN IN OTHERS, WE WILL LOSE THE EFFORT IN THE LONG RUN.

AND IF THE PROGRAM IS CUT ENTIRELY, AS I UNDERSTAND PRESIDENT REAGAN WOULD LIKE, WE WILL QUICKLY LOSE WHAT GROUND WE HAVE GAINED. CURRENTLY, WE ARE ESTIMATED TO BE LOSING ONE SPECIES EVERY 12 YEARS. WITH NO FEDERAL

ASSISTANCE AT ALL, THAT RATE WILL JUST INCREASE, AND WE WILL LOSE MORE AND MORE SPECIES OF ANIMAL AND PLANT LIFE IN MAINE.

I URGE THE SUBCOMMITTEE TO DO EVERYTHING IN ITS POWER TO SECURE INCREASED, MORE CONSISTENT, MORE TIMELY FEDERAL FUNDING OF STATE EFFORTS TO RECOVER AND PROTECT OUR ENDANGERED SPECIES.

ULTIMATELY, FUTURE GENERATIONS WILL JUDGE US BY HOW WELL WE PROTECT AND NURTURE THE OTHER FORMS OF LIFE THAT CO-EXIST WITH US ON THIS EARTH. THAT IS, IN ESSENCE, THE MOST TELLING SIGN OF HOW WELL WE HAVE CARED FOR EACH OTHER AND THE FUTURE OF OUR RACE. WE HAVE ALREADY SUCCEEDED IN HELPING IN THE RECOVERY OF MANY SPECIES OF ANIMALS AND PLANTS, INCLUDING OUR NATIONAL SYMBOL, THE BALD EAGLE. NOW IS NOT THE TIME TO REDUCE OR ELIMINATE OUR EFFORTS. IT IS THE TIME TO RECOMMIT OURSELVES TO THE GOAL OF PROTECTING ALL OF THE EARTH'S NATURAL RESOURCES BEFORE WE HAVE NONE LEFT TO PROTECT.

I APPRECIATE THIS OPPORTUNITY TO SPEAK BEFORE YOU AND WOULD BE GLAD TO ANSWER ANY QUESTIONS YOU MIGHT HAVE.

STATEMENT OF
MAINE STATE REPRESENTATIVE PAUL F. JACQUES
CHAIRMAN OF JOINT STANDING COMMITTEE ON FISHERIES AND WILDLIFE
BEFORE THE SENATE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
MAY 26, 1987

MR. CHAIRMAN, THANK YOU FOR INVITING ME HERE TODAY TO ADDRESS THE SUBCOMMITTEE ON THIS IMPORTANT SUBJECT. I SPEAK TO YOU TODAY IN FAVOR OF THE CONTINUED AUTHORIZATION AND FUNDING OF THE PROGRAMS UNDER SECTION 6 OF THE FEDERAL ENDANGERED SPECIES ACT.

THE COOPERATIVE FEDERAL-STATE PROGRAM SET UP UNDER SECTION 6 HAS, DESPITE ITS LIMITATIONS, PROVEN TO BE VERY EFFECTIVE IN PROTECTING ENDANGERED WILDLIFE. IN MAINE WE HAVE BEEN ABLE TO STABILIZE THE POPULATION AND PROMOTE THE GROWTH OF SEVERAL ENDANGERED SPECIES. FOR A PROGRAM WITH SUCH A SMALL AMOUNT OF FUNDING IT HAS BEEN REMARKABLY SUCCESSFUL. I AM AMAZED THAT THE FEDERAL GOVERNMENT WOULD EVEN CONSIDER ITS ELIMINATION.

THE PEOPLE WHO LIVE IN MAINE AS WELL AS THOSE WHO COME TO VISIT OUR STATE ENJOY THE NATURAL OUTDOOR EXPERIENCE WE HAVE TO OFFER. WHETHER THEY ARE CAMPERS, HIKERS, CLIMBERS, BIRDWATCHERS OR SIGHTSEERS, THEY ALL HAVE A PRIMARY INTEREST IN ENJOYING THE RELATIVELY UNSPOILED ENVIRONMENT IN MAINE.

WE RECOGNIZE THE BENEFITS OUR ENVIRONMENT BRINGS TO MAINE. AS TRUSTEES OF THE NATURAL BEAUTY OF OUR STATE, WE ARE OBLIGATED TO PROTECT OUR ENVIRONMENT AND ITS COMPONENTS, FOR TO LOSE ANY OF THEM WOULD DRASTICALLY AFFECT THE BALANCE OF NATURE. WE CANNOT AND MUST NOT TAKE FROM OUR ENVIRONMENT INDISCRIMINATELY. WE MUST BE CAREFUL TO MAINTAIN THE HEALTH OF ALL THAT MAKES UP OUR NATURAL SURROUNDINGS.

AS YOU WELL KNOW, THE FEDERAL GOVERNMENT, THROUGH INTERNATIONAL TREATIES AND FEDERAL LAWS AND REGULATIONS, IS OBLIGATED TO PROTECT ENDANGERED SPECIES. THE FEDERAL ENDANGERED SPECIES ACT IS A MANIFESTATION

OF THAT OBLIGATION. STATES ASSUME A PORTION OF THE RESPONSIBILITY AS WELL, BECAUSE STATE AGENCIES HAVE THE FACILITIES, PERSONNEL AND EQUIPMENT TO IMPLEMENT THE PROGRAM. THIS COOPERATIVE ARRANGEMENT BETWEEN THE STATES AND THE FEDERAL GOVERNMENT WAS SET UP FOR THIS REASON AND WORKS VERY WELL.

IN 1986, MAINE RECEIVED FEDERAL FUNDING OF $58,000 FOR FIVE PROJECTS: A BALD EAGLE SURVEY, WINTER FEEDING OF YOUNG BALD EAGLES, RELEASE OF PEREGRINE FALCONS, AND PROTECTION OF TWO ENDANGERED PLANTS. WE REQUESTED NEARLY $100,000. HAD WE RECEIVED THE FULL AMOUNT, WE WOULD HAVE BEEN ABLE TO DO MORE WITHIN EACH PROJECT.

OVER THE PAST TEN YEARS, MAINE HAS RECEIVED AN AVERAGE OF ONLY $30,000 PER YEAR FROM THE FEDERAL GOVERNMENT THROUGH SECTION 6 OF THE ENDANGERED SPECIES ACT. SOME YEARS WE RECEIVED NO MONEY AT ALL.

THE COMPETITION FOR FUNDING IN MAINE IS SUCH THAT THE REGULATION AND PROTECTION OF GAME ANIMALS GETS THE MAJOR SHARE OF THE FISHERIES AND WILDLIFE BUDGET. GAME ANIMALS HAVE A READY CONSTITUENCY IN THE HUNTERS, TRAPPERS AND FISHERMEN. THESE PEOPLE ARE DILIGENT IN PROTECTING THE GAME ANIMALS AND ASSURING THE PROGRAMS ARE FUNDED. WE HAVE A MUCH MORE DIFFICULT TIME GETTING SUFFICIENT FUNDING AT THE STATE LEVEL TO PROPERLY PROTECT OUR NON-GAME AND ENDANGERED SPECIES.

FOUR YEARS AGO WE INITIATED AN INCOME TAX CHECKOFF FOR NON-GAME SPECIES OF WILDLIFE TO REPLACE THE USE OF STATE FISHERIES AND WILDLIFE MONEY, WHICH COMES LARGELY FROM FISH AND GAME LICENSE FEES. AT THE PRESENT TIME, MONEY DONATED TO THE NON-GAME WILDLIFE FUND IS DECREASING. ONLY A PORTION OF THIS MONEY GOES TOWARD FEDERALLY RECOGNIZED ENDANGERED SPECIES. WE ARE NOW AT THE POINT WHERE WE NEED MORE MONEY TO HELP PROTECT ENDANGERED WILDLIFE.

DESPITE THE LOW LEVELS OF FUNDING, EFFORTS BEGUN THROUGH THE ENDANGERED SPECIES ACT HAVE WORKED IN MAINE. THE RESTORATION OF THE BALD EAGLE AND THE

PEREGRINE FALCON AND THE PROTECTION OF THE FINBACK WHALE ARE EXAMPLES OF THE EFFECTIVENESS OF THIS FEDERAL-STATE PARTNERSHIP.

EXTENDING THE AUTHORIZATION OF THIS PROGRAM FOR FIVE YEARS IS A POSITIVE MOVE TO PROMOTE AN EXCELLENT PROGRAM AND WILL HELP MAINE SIGNIFICANTLY IN ITS DRIVE TO CONTINUE THESE EFFORTS. KEEPING FEDERAL FUNDING AT PRESENT LEVELS IS ACCEPTABLE. THE ELIMINATION OF THE PROGRAM OR REDUCING FUNDING WOULD HAVE CATASTROPHIC RESULTS.

WITHOUT FEDERAL PARTICIPATION AND MATCHING FEDERAL FUNDING, THE PLIGHT OF THE ENDANGERED SPECIES IS VIRUTALLY GUARANTEED TO WORSEN. WITHOUT FEDERAL FUNDING, SEVERAL SPECIES OF WILDLIFE WOULD BECOME EXTINCT AS DID THE PASSENGER PIGEON AND THE GREAT AUK SEVERAL DECADES AGO. IT IS LIKELY THAT ONLY THE MOST GLAMOROUS AND HIGHLY VISIBLE SPECIES OF WILDLIFE WOULD RECEIVE ENOUGH PUBLIC ATTENTION TO BE SAVED. HOWEVER, ALL SPECIES OF WILDLIFE ARE DESERVING OF THIS ATTENTION.

THE PLIGHT OF THE BALD EAGLE, OUR NATIONAL SYMBOL, LED TO A SUCCESSFUL EFFORT TO APPROPRIATE MONEY TO STABILIZE THE EAGLE POPULATION. AS MANY KNOW, THE BALD EAGLE IN MAINE FACED THE VERY REAL POSSIBILITY OF EXTINCTION SEVERAL YEARS AGO LARGELY AS A RESULT OF THE SPRAYING OF PESTICIDES.

THROUGH THE COOPERATION OF THE STATE OF MAINE AND THE FEDERAL GOVERNMENT UNDER SECTION 6 OF THE ENDANGERED SPECIES ACT, THE BALD EAGLE HAS BEEN SAVED FROM EXTINCTION AND THE POPULATION OF BALD EAGLES IS NOW GROWING. THIS EFFORT, IF CONTINUED, WILL GO DOWN IN HISTORY AS ONE OF THE MOST OUTSTANDING ACCOMPLISHMENTS HUMANS HAVE MADE IN COMING TO THE AID OF A SPECIES OF WILDLIFE ON THE VERGE OF EXTINCTION. THERE ARE OTHER ENDANGERED SPECIES THAT REQUIRE EQUAL ATTENTION OR WE WILL LOSE THEM FOREVER.

MAINE HAS RECENTLY SPENT A LOT OF TIME AND MONEY IN THE EFFORT TO REINTRODUCE CARIBOU TO OUR STATE, A SPECIES OF WILDLIFE ONCE PRESENT HERE IN

PROLIFIC NUMBERS. WE LOST OUR CARIBOU POPULATION THROUGH LACK OF MANAGEMENT AND THE FAILURE TO PROTECT THESE BEAUTIFUL ANIMALS.

ARE WE WILLING TO RISK THE FURTHER LOSS OF SOME OF OUR PRECIOUS NATURAL RESOURCES BY REDUCING OUR COMMITMENT TO THE ENDANGERED SPECIES OF WILDLIFE IN THIS COUNTRY? I CERTAINLY HOPE NOT. I FEEL STRONGLY THAT THE FEDERAL GOVERNMENT SHOULD INCREASE FUNDING FOR ENDANGERED SPECIES RATHER THAN CONSIDERING THEIR ELIMINATION.

I FIRMLY BELIEVE THAT AN INCREASE IN FEDERAL ASSISTANCE WOULD ALLOW US TO GIVE THESE PROGRAMS THE ATTENTION THEY RIGHTLY DESERVE, AND WOULD ENABLE US TO FUND THOSE PARTS OF THE PROGRAM WE HAVE PROPOSED BUT FOR WHICH WE HAVE NOT RECEIVED SUFFICIENT MONEY. FOR EXAMPLE, THERE ARE PRESENTLY AT LEAST FOUR EAGLE NESTS IN MAINE LOCATED IN THE MIDST OF PROPOSED SUBDIVISIONS. YET, THE FISHERIES AND WILDLIFE DEPARTMENT HAS INSUFFICIENT FUNDING TO FOLLOW THE REVIEW PROCESS OF THE BOARDS THAT WILL APPROVE THESE PROJECTS.

HOWEVER, EVEN IF MORE MONEY IS NOT APPROPRIATED, THE AUTHORIZATION OF THE PROGRAM FOR FIVE YEARS WOULD BE AN IMPROVEMENT OVER THE PRESENT SITUATION. IT WOULD ALLOW US TO PLAN AHEAD WITH THE KNOWLEDGE THAT THE FUNDING OF THE PROGRAM IS GUARANTEED FOR AT LEAST THAT AMOUNT OF TIME. AS IT STANDS NOW, CONGRESS MUST ACT ON THE FUNDING EACH YEAR BEFORE THE MONEY IS APPROPRIATED. WE NEVER KNOW HOW MUCH MONEY WILL BE APPROPRIATED FOR MAINE OR WHEN WE WILL RECEIVE IT. OUR EFFORTS ARE HAMPERED GREATLY BY THIS.

WE WILL WORK TO INCREASE STATE FUNDING TO ASSIST ENDANGERED SPECIES. WE URGE THE FEDERAL GOVERNMENT TO RECOGNIZE THE IMPORTANCE OF THIS PARTNERSHIP WITH THE STATES AND CONTINUE THE AUTHORIZATION OF THE FEDERAL ENDANGERED SPECIES ACT FOR FIVE YEARS ALONG WITH ADEQUATE FUNDING.

THANK YOU FOR THIS OPPORTUNITY TO ADDRESS YOU TODAY.

John R. McKernan, Jr.
*Governor*

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
Telephone (207) 289-3371

May 26, 1987

Senator George J. Mitchell, Chairman
Subcommittee on Environmental Protection
Senate Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

Re: Testimony for The Committee Hearing to Review The Implementation of the Federal Endangered Species Act

Dear Senator Mitchell:

The Maine Department of Inland Fisheries and Wildlife (MDIFW) has responsibility for all species of wildlife and freshwater fish in Maine, including game animals, game fish, and all species of nongame. Its authority does not include plants or marine fish.

MDIFW currently lists 16 Endangered species and six Threatened species. The list includes nine federally Endangered and three federally Threatened species. Additionally, MDIFW lists more than sixty species of special status due to their limited numbers or vulnerability.

MDIFW has a cooperative agreement with the U.S. Fish and Wildlife Service for the management of federally listed species as authorized by the Federal Endangered Species Act. This agreement has been in effect for ten years, and it is the core of MDIFW's endangered species conservation effort. The Federal Endangered Species Act is viewed as essential to the conservation of endangered species in Maine. However, it does have its shortcomings. This testimony addresses the Act's strengths and weaknesses from the perspective of a state agency charged with the responsibility for the recovery of endangered species.

1. Past and Present Level of Funding

A summary of MDIFW's funding history through Section 6 of the Endangered Species Act is attached, giving both the annual amount requested and received. MDIFW received slightly more than half the amount requested each year. MDIFW has requested an average of $89,000 annually and has received an average of $48,000. An important consideration when interpreting this

information is to realize the requests were conservative, because they were based on expectations of what would be available. Therefore, they did not accurately reflect our needs. Requests that truly reflected need would have added at least 50 percent to Maine's annual request.

2. The Status of Recovery Efforts for Federally Listed Species in Maine

Bald Eagle (Federally Endangered): The primary focus of MDIFW's endangered species recovery efforts for the past ten years has been the bald eagle. Historically, hundreds of pairs of eagles existed throughout Maine, but the population was reduced to fewer than 50 pairs by the 1970's when the species was listed as federally endangered. This dangerously low population level was compounded by a near zero annual production of young. Because of the Maine recovery program, the population decline has been halted, and we beleive that with 83 active nests this spring, a recovery is underway. This success is the result of a comprehensive recovery program incorporating inventories, assessments, research, management, enforcement, habitat protection, and education. Section 6 funding has been the major factor behind this success.

Peregrine Falcon (Federally Endangered): The peregrine falcon was extirpated from Maine 25 years ago due to pesticide poisoning, habitat loss, and human disturbance. Because of the availability of Section 6 funding, Maine initiated a recovery program in 1985 to reestablish this species as part of a nationally coordinated effort. In the past three years, 68 peregrine falcon chicks have been released to the wild at four sites in Maine. The goal is to reestablish a breeding population of about ten pairs. The effort seems to be on the verge of success. Peregrine falcons were reported from four sites during this year's spring survey.

Piping Plover (Federally Threatened): In 1986, just 15 pairs of piping plovers nested in Maine, and the produced 31 chicks. In 1983, there were only seven pairs, and they produced only seven chicks. Historically, piping plovers were quite common along Maine's sandy coasts, and breeding populations probably numbered in the hundreds of pairs. Loss of habitat and disturbance from ever increasing use of the nesting beaches by humans were the primary causes of this bird's decline. For several years, Maine has had a basic protection program for plovers in cooperation with Maine Audubon Society. This spring, with the recent listing of the plover as Federally Threatened, Maine will be receiving $3,000 - $5,000 from Section 6 in support of the effort to halt this species' decline.

Other Federally Listed Species:

a. The tundra peregrine falcon (Federally Threatened) is a fall migrant with strong ties to Maine's coastal islands. There is no funding or program for this species.

b. The eastern cougar (Federally Endangered) is listed as extirpated from Maine, but sightings occur regularly. There is no funding or program for this species.

c. Five species of great whales are listed as Federally Endangered. No management authority exists within the State to deal with these species.

d. Three species of marine turtle are listed as Federally Endangered or Threatened. No management authority exists within the State to work with these species.

e. The roseate tern is a candidate for Federal Endangered status. There is currently a minor assessment program being conducted, but there is no federal funding involved.

3. The Adequacy of Section 6 Grants in Achieving Recovery Goals

Section 6 funds have made a significant difference by improving the status of species targeted by recovery funds. However, the funding is not adequate to address the problems confronting other listed species, and to thereby bring about their recovery. The pressures confronting Maine's rare and endangered species are increasing, and if they are not addressed, the bottom line will be lost species.

4. The Adequacy of Section 6 Grants in Maintaining a Cooperative Federal-State Program

The Federal Endangered Species Act plays a vital role by providing cooperative federal-state programs for endangered species conservation. Regional coordination, technical assistance, and guidance from a national perspective is essential to the long-term effectiveness of our conservation programs. However, the high degree of instability, and the inadequacy of Section 6 funds, often places the overall benefit to this program in question.

The instability and uncertainty of funds on an annual basis are of particular concern. These funds are annually appropriated and then allocated, and the State is not notified as to the level of the approved funding until two to five months after the annual work program has begun. Through the cooperative arrangements of Section 6, the State is being asked to make long-term commitments to recovery projects that are usually quite costly and labor intensive, and that also require a skilled and experienced staff. However, there is no long-term commitment of funding through Section 6.

Once committed to a Section 6 recovery effort with the substantial start-up costs and obligations, it makes little sense to stop. Yet, the only back-up source of money to pick up the slack during years of late or no Section 6 funding, is the State Income Tax Check-off for nongame wildlife. This fund is small, declining, and also unstable. This annually forces us into the unacceptable position of deciding what other essential projects should be cut, or placed in jeopardy, to hold together the Section 6 project. It's an annual game of roulette that needs to be eliminated.

5. Adequacy of Efforts to List and Protect Candidate Species

Maine currently lists almost 100 species requiring special attention

due to low or declining numbers, limited distribution, or their exceptional vulnerability. Several of these are candidates, or potential candidates, for federal listing. It appears that once enough information is available, the process of listing a species is adequate. The inadequacy involves the large number of other species for which insufficient information is available to make a determination. With current levels of funding, Maine does not have the ability to gather necessary information to make assessments, nor do we have the ability to provide the conservation measures necessary to insure the maintenance of all rare species until their status can be determined.

In closing, I want to emphasize our support of the Federal Endangered Species Act and of Section 6 cooperative grants. It's our view that the implementation of the Act can be greatly improved by stabilizing the Section 6 funding and by increasing the funding to a level that will more fully address the needs.

Respectfully submitted,

William J. Vail

William J. Vail
Commissioner

WJV:cs

Enclosure

A Summary of Maine's Section 6 Funding Requests

| Year | Species recovery | Amount requested | Amount received | Percent shortfall |
|---|---|---|---|---|
| FY '87 | Bald eagle | $45,000 | $35,000 | 22 |
| | Peregrine falcon | 30,000 | 15,000 | 50 |
| | Piping plover | 10,000 | 5,000 | 50 |
| | Least tern | 8,000 | 0 | 100 |
| | FY '87 TOTALS | $93,000 | $55,000 | 41 |
| FY '86 | Bald eagle | $63,000 | $37,500 | 40 |
| | Peregrine falcon | 25,000 | 15,000 | 40 |
| | Piping plover | 5,000 | 0 | 100 |
| | Least tern | 8,000 | 0 | 100 |
| | FY '86 TOTALS | $101,000 | $52,500 | 48 |
| FY '85 | Bald eagle | $70,000 | $37,500 | 46 |
| | Peregrine falcon | 30,000 | 15,000 | 50 |
| | Piping plover | 5,000 | 0 | 100 |
| | Least tern | 8,000 | 0 | 100 |
| | FY '85 TOTALS | $113,000 | $52,500 | 54 |
| FY '84 | Bald eagle | $37,500 | $35,000 | 7 |
| | Piping plover | 4,500 | 0 | 100 |
| | Least tern | 7,500 | 0 | 100 |
| | FY '84 TOTALS | $49,500 | $35,000 | 29 |

Testimony of Paul R. Nickerson
U. S. Fish and Wildlife Service
Before Subcommittee on Environmental Protection
of the Senate Committee on Environment and Public Works
May 26, 1987

Good morning. My name is Paul Nickerson. I have served as Chief of the Division of Endangered Species for Region 5 of the U. S. Fish and Wildlife Service since November 1975. My responsibility is to provide oversight for Endangered Species Activities in Region 5. I appear before you today to discuss Section 6 Activities conducted in Maine pursuant to the Endangered Species Act.

Section 6 of the Endangered Species Act authorizes the Fish and Wildlife Service to enter into cooperative management agreements with the States to conserve endangered and threatened fish, wildlife and plants. In doing so, it also recognizes the States as the management authorities for those resident threatened and endangered species occurring within their borders and provides a means for reimbursing the States for up to 90% of the costs of work performed on the species' behalf.

Maine was one of the first 16 States that joined the Cooperative Program as their Agreement with the Fish and Wildlife Service was signed June 23, 1976.

Maine's Section 6 allocations from 1977 to the present are as follows:

| Fiscal Year | Amount | Species & Job |
|---|---|---|
| 1977 | $10,000 | Bald Eagle Ecology In Maine |
| 1978 | $10,000 | Same |
| 1979 | None | Funds carried over from FY '78 |

| Fiscal Year | Amount | Species & Job |
|---|---|---|
| 1980 | $40,000 | (12.5) Bald Eagle Surveys & Coop. Agreements<br>(10.0) Endangered Fish Survey<br>(9.0) Law Enforcement<br>(8.5) Administration |
| 1981 | $57,700 | (25.0) Bald Eagle Management<br>(32.7) Law Enforcement f/Bald Eagle |
| 1982 | $25,000 | Bald Eagle Management Work |
| 1983 | $23,000 | Peregrine Falcon Historic Nest Assessment & Hacking |
| 1984 | $20,000 | Bald Eagle Winter Survival Study |
| 1985 | $52,500 | (37.5) Bald Eagle Banding & Winter Survival Study<br>(15.0) Peregrine Falcon Hacking |
| 1986 | $5,500 - Plants | (3.0) Small Whorled Pogonia Survey & Management Work<br>(2.5) Population Monitoring of Louseworts |
| | $52,500 - Wildlife | (15.0) Falcon Hacking<br>(15.0) Eagle Nest Survey & Banding<br>(22.5) Eagle Winter Feeding and Summary Study |
| 1987 | $9,100 - Plants | (8.0) Management & Survey Small Whorled Pogonia<br>(1.1) Info. & Ed. f/Landowners |
| | $55,000 - Wildlife | (15.0) Peregrine Falcon Hacking<br>(5.0) Piping Plover Census, Management & Protection<br>(35.0) Bald Eagle Management, Survey & Survival Study |

Five Endangered Species under Fish and Wildlife Service jurisdiction occur in Maine: The bald eagle, peregrine falcon, piping plover, Furbish lousewort, and small whorled pogonia. There have been 80-90 nesting pairs of bald eagles for the past few years, with an average production of less than one young per active nest. In 1978, when the eagle was listed as endangered in Maine, we only knew of about 40 pairs, so there has been a gradual increase. Productivity, while still relatively low, is improved somewhat. The recovery goal for Maine is 150 nesting pairs.

The falcon was extirpated as a breeder in Maine 30 years ago. Arctic peregrine falcons have always migrated through the State in spring and fall, but never nested. Efforts to restore the species as a breeding bird in Maine by releasing captive-raised young are now beginning to pay off because State Fish and Wildlife officials have recently reported a pair nesting. Maine is included in Recovery Region 2 on the enclosed map taken from the Falcon Recovery Plan. Our recovery goal for that region which also includes NH, VT and northern NY, is 20-25 nesting pairs. Our goal for the eastern U.S. is 175 pairs. This year we know of 13 pairs in the 4 State recovery region, and 50-60 pairs in the east. We predict that the species will be fully recovered by the early '90s.

Piping plovers, recently listed as threatened along the Atlantic Coast, nest along Maine's beaches from York County to Phippsburg. There are but 15 pairs in the State, and given the human pressures on public beaches, these birds will always require intensive management. Our recovery goal for the plover is a 50% increase of nesting birds along the Atlantic Coast with an annual average production level of 2.0 young per active pair.

The Furbish lousewort, found only along the St. John River in Maine and New Brunswick was listed as endangered in 1978. Efforts to recover the species include establishment of additional populations and working with landowners to protect existing ones. The principal threats to the lousewort's existence, Dickey & Lincoln School Dams, were both deauthorized by Congress, so the species' future is somewhat brighter. Additional populations have been established from seed, and other new ones have been found, so we are optimistic about recovery of the species.

The small whorled pogonia, listed in 1982, is a rare member of the orchid family found throughout the east, but primarily in the Lakes Region of central NH and southern Maine. Several new populations have been discovered, but others have been lost to private development. Our recovery goal for the species is establishment of 30 secure populations of at least 20 individuals each, with 15 of the 30 in New England. This goal may be difficult to achieve because of accelerating land costs and the current pace of development. Most of the populations are on private land.

State representatives here today can better address the question of adequacy of funding. Historically, States have nearly always requested more funding than was available. My responsibility over the years has been to review submissions from all States in the Region, and try to make fair distribution based upon relative degree of threat to the species, recovery potential, and to determine which projects would most likely improve the species' status.

Listing and protection of candidates are normally not handled under Section 6. Our funds for listing are appropriated under Section 15 of the Act. The Service is currently revising its vertebrate and invertebrate lists of candidate species, and

plans to revise the plant list later this summer. As part of that process, we recommend status surveys for those candidates lacking enough data to either be listed or dropped from further consideration. This year we are conducting status surveys on two candidate plants which occur in Maine: the Orono sedge and the variable sedge.

Previous status survey work identified three (3) species which occur or once occurred in Maine and which are now the subject of listing activity. The roseate tern occurs in limited numbers along the Maine Coast and has been proposed for endangered status in the northeast; the loggerhead shrike, which once nested in Maine, will likely be proposed for listing before the end of the year, as will the prairie white fringed orchid.

The position of the Service is that the States must assume a larger share of funding responsibility for endangered Species Recovery activities. Our role will be to emphasize listing so that deserving species are given the Act's protection. The Service used the grant program as an incentive to encourage State involvement in endangered species activities, but that has now been accomplished. Twelve of 13 States in Region 5 now have entered cooperative agreements to protect endangered and threatened fish and wildlife, and nine have entered plant agreements.

This completes my testimony. I appreciate the opportunity to appear today, and I will be pleased to answer any questions. Thank you.

# EASTERN PEREGRINE FALCON RECOVERY AREA AND FIVE RECOVERY REGIONS

INTERNATIONAL PAPER COMPANY'S
TESTIMONY ON THE ENDANGERED SPECIES ACT
BEFORE SEN. GEORGE J. MITCHELL
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

MAY 26, 1987 - PORTLAND, MAINE

MY NAME IS THOMAS R. EUBANKS, AND I RESIDE IN MONMOUTH, MAINE. I AM EMPLOYED BY INTERNATIONAL PAPER COMPANY. MY RESPONSIBILITIES INCLUDE THE COORDINATION AND MANAGEMENT OF WILDLIFE, RECREATION, AND ENVIRONMENTAL ACTIVITIES ON IP OWNERSHIP IN THE NORTHEAST.

TODAY, I'M TESTIFYING IN BEHALF OF INTERNATIONAL PAPER COMPANY, LAND & TIMBER GROUP, NORTHEAST REGION HEADQUARTERED IN AUGUSTA, MAINE.

THANK YOU FOR ASKING INTERNATIONAL PAPER COMPANY FOR OUR CONCERNS ABOUT THE IMPORTANCE OF THE ENDANGERED SPECIES ACT AND ITS SPECIFIC IMPACTS ON THE PROGRAM IN THE STATE OF MAINE.

INTERNATIONAL PAPER HAS SUPPORTED ENDANGERED AND THREATENED SPECIES ON ITS OWNERSHIP THROUGHOUT THE UNITED STATES IN COOPERATION WITH STATE AND FEDERAL AGENCIES, UNIVERSITIES, AND PRIVATE ORGANIZATIONS.

INTERNATIONAL PAPER HAS WORKED WITH ELEVEN (11) STATE AGENCIES, FIVE (5) UNIVERSITIES, AND SEVERAL PRIVATE CONSERVATION ORGANIZATIONS ON NINE DIFFERENT ANIMAL SPECIES, MANY OF WHICH INVOLVED SEVERAL STATES FOR EACH INDIVIDUAL SPECIES (ATTACHMENT A). SEVERAL PLANT SPECIES ARE BEING PROTECTED ON OUR OWNERSHIP, AS WELL.

IN MAINE, WE HAVE TWO SITES WHERE BALD EAGLES NEST ON OUR LAND. MANAGEMENT PROVIDES FOR PROTECTIVE ZONES AROUND THE NEST

SITES.

THE PEREGRINE FALCON HACKING PROGRAM IS NOT LOCATED ON IP LAND IN MAINE; HOWEVER, WE ALLOW BIOLOGISTS TO STUDY POTENTIAL RELEASE SITES ON OUR OWNERSHIP. IN NEW YORK STATE, ONE OF THE TWO HACKING SITES IN THE ADIRONDACKS IS LOCATED ON IP PROPERTY. THE TIMING AND LOCATION OF TIMBER HARVESTING HAS BEEN MODIFIED TO FIT INTO THE PEREGRINE'S NATURAL SCHEDULE OF ACTIVITIES.

A NUMBER OF RARE PLANT SPECIES ARE LOCATED ON OUR OWNERSHIP IN MAINE. THE CRITICAL AREAS PROGRAM HAS BEEN WORKING WITH IP ON A NUMBER OF THESE LOCATIONS.

SENATOR MITCHELL, THE PRECEDING INFORMATION IS PROVIDED SO THAT YOU KNOW WE ARE SPEAKING WITH EXPERIENCE AND FIRST-HAND KNOWLEDGE IN DEALING WITH ENDANGERED SPECIES ISSUES.

INTERNATIONAL PAPER COMPANY SUPPORTS THE CONTINUATION OF THE ENDANGERED SPECIES ACT. SPECIFICALLY, WE SUPPORT STRENGTHENING OF FEDERAL FUNDING FOR THE SECTION 6 COOPERATIVE PROGRAM BETWEEN THE STATES AND THE FEDERAL GOVERNMENT. FOLLOWING ARE REASONS FOR THAT SUPPORT:

A. WILDLIFE SPECIES PROVIDE AN ENVIRONMENTAL HEALTH BAROMETER TO WHICH HUMAN LIVES ARE LINKED. THE MORE SPECIES OF PLANTS AND ANIMALS THAT ARE LISTED MAY BE AN INDICATION OF AN UNHEALTHY HUMAN ENVIRONMENT.

B. WE FULLY BELIEVE THE BEST WAY TO BRING POPULATIONS OF ENDANGERED AND THREATENED SPECIES BACK IS FOR A CONTINUED COOPERATIVE EFFORT BETWEEN FEDERAL, STATE, AND PRIVATE CONCERNS. THIS MUST INCLUDE FEDERAL DOLLARS.

C. THE PROGRAM IS OF NATIONAL SIGNIFICANCE.

D. PROTECTION AND RESTORATION OF ENDANGERED SPECIES IS OF VITAL CONCERN TO A LOT OF AMERICANS.

KEY ISSUES INCLUDE:

1. CONTINUITY OF FUNDING - ENDANGERED SPECIES RESTORATION PROJECTS GENERALLY REQUIRE YEARS OF VERY INTENSE EFFORTS TO PRODUCE RESULTS, PARTICULARLY FOR SPECIES THAT HAVE VERY LOW POPULATIONS AND LOW REPRODUCTIVE RATES SUCH AS THE BALD EAGLE AND PEREGRINE FALCON. FUNDING MUST BE PRESENT FROM YEAR TO YEAR.

   FOR EXAMPLE - THREE YEARS AGO THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE INITIATED THE PEREGRINE FALCON RECOVERY EFFORT IN MAINE WITH SECTION 6 FUNDING. ALL OF THE PRELIMINARY WORK TOOK PLACE THE FIRST YEAR SO THE RELEASE AND MONITORING OF BIRDS COULD BEGIN THE FOLLOWING YEAR. THE PROJECT WAS NOT FUNDED THE SECOND YEAR. HAD IT NOT BEEN FOR THE DEPARTMENT FINDING MONEY TO FILL THE VOID, THE ENTIRE FIRST YEAR'S MONEY AND TIME WOULD HAVE BEEN WASTED. THE THIRD YEAR, THE PROJECT RECEIVED SECTION 6 FUNDING AGAIN.

2. LONG TERM FUNDING - THE FEDERAL ENDANGERED SPECIES PROGRAM REVIEWS STATE PROJECTS TO DETERMINE PRIORITIES FOR FUNDING. THIS IS A GOOD BUSINESS DECISION. HOWEVER, THE FOLLOWING, IN OUR JUDGMENT, IS A POOR DECISION:
   EACH YEAR ALL PROJECTS ARE THROWN BACK IN THE POT TO VIE FOR PRIORITY STATUS AGAIN. A STATE PROJECT MAY NOT RANK AS HIGH THE FOLLOWING YEAR AND ALL SECTION 6 FUNDING STOPS AS

SHOWN IN MY PREVIOUS EXAMPLE WITH MAINE'S PEREGRINE FALCON PROJECT. THE SYSTEM ALLOWS FOR THIS MISMANAGEMENT OF PROJECT FUNDING BECAUSE THE ENDANGERED SPECIES ACT SAYS THAT'S THE WAY THE PROGRAM IS RUN. PLEASE CHANGE THE ACT TO PROVIDE LONG-TERM FUNDING FOR PROJECTS THAT ARE DETERMINED TO BE A PRIORITY. THIS CHANGE SHOULD ALLOW PROJECTS TO BE FUNDED FOR A FIVE-YEAR PERIOD BEFORE BEING DUMPED BACK IN THE POT FOR REVIEW AGAINST ALL OTHER PROJECTS TO DETERMINE ANOTHER FIVE YEAR PRIORITY LIST. AFTER FIVE YEARS, SOME PROJECTS WILL BE SELF-SUSTAINING AT THE STATE LEVEL; OTHERS MAY NEED ANOTHER FIVE OR EVEN TEN YEARS WORTH OF SECTION 6 SEED MONEY.

STATE PROJECT ADMINISTRATORS WASTE VALUABLE TIME AND MONEY HAVING TO REJUSTIFY AND RESELL THE PROJECT ON AN ANNUAL BASIS. THE FEDERAL BUDGET MUST BE MANAGED IN A BUSINESS-LIKE MANNER TO STRETCH THE LIMITED DOLLARS AND ELIMINATE SHORT TERM IMPEDIMENTS WHICH CONSUME A LOT OF DOLLARS IN UNNECESSARY PAPERWORK.

3. RESTORATION TIMETABLE - SPECIES RESTORATION AND EVENTUAL DE-LISTING IS NOT A SHORT TERM PROGRAM. THE EFFORT WITH THE AMERICAN ALLIGATOR TOOK 15-20 YEARS TO TURN THE POPULATION AROUND. OTHER SPECIES, LIKE THE CALIFORNIA CONDOR, MAY TAKE 100 YEARS TO BRING THEM BACK TO VIABLE REPRODUCING POPULATIONS IN THE WILD, WHILE OTHERS TAKE IMMEDIATE AGREEMENTS WITH LANDOWNERS FOR HABITAT PROTECTION. AN EXAMPLE IS THE AGREEMENT INTERNATIONAL PAPER ENTERED INTO WITH THE USF&WS AND AUBURN UNIVERSITY

TO MANAGE THE RED HILLS SALAMANDER HABITAT IN ALABAMA. FUNDING MUST CONTINUE AT THE FEDERAL LEVEL FOR THOSE PRIORITY PROJECTS WHICH HAVE LONGER TIME FRAMES FOR RESTORATION. SHORT TERM GOALS AND FUNDING WILL HAVE NEGATIVE SHORT TERM RESULTS.

4. SEED MONEY TO STATES - PRIORITY PROJECT FUNDING FROM THE FEDERAL GOVERNMENT, THROUGH SECTION 6, SHOULD BE SUSTAINED TO SEE THE PROJECT COMPLETED AND THE POPULATION BECOME SELF-SUFFICIENT IN THE WILD. STATES SHOULD ASSUME TOTAL COST OF MANAGING THE PRIORITY SPECIES ONLY AFTER A VIABLE REPRODUCING POPULATION IS ESTABLISHED IN THE WILD. SEED MONEY IS JUST THAT - MONEY PUT IN UNTIL THE SEED REPRODUCES AND THE TREE BEARS FRUIT.

5. RURAL STATES - STATES WITH A LOW HUMAN POPULATION DO NOT HAVE THE FINANCIAL RESOURCES AVAILABLE TO SUSTAIN ENDANGERED SPECIES PROGRAMS. FOR EXAMPLE, MAINE'S NON GAME INCOME TAX CHECKOFF GENERATES ABOUT $100,000 ANNUALLY WHILE NEW YORK'S TAX CHECKOFF GENERATES ABOUT $1,000,000 ANNUALLY. YET, THE SPECIES OF PLANTS AND ANIMALS REQUIRING RESTORATION, PROTECTION, AND MANAGEMENT IN RURAL STATES MAY BE GREATER THAN IN MORE URBAN STATES. SECTION 6 FUNDING, THEN, MAY BE SIGNIFICANTLY MORE IMPORTANT FOR RURAL STATES THAN FOR URBAN STATES.

6. PRIVATE SUPPORT - THERE IS A GENERAL FEELING THAT THE PRIVATE SECTOR WILL PICK UP A GREATER PORTION OF THE TAB FOR ENDANGERED SPECIES WORK. I DON'T BELIEVE THIS WILL HAPPEN BECAUSE PRIVATE FUNDS AVAILABLE FOR WORTHWHILE

CAUSES ARE BEING PULLED IN MORE DIRECTIONS. FOR EXAMPLE, BECAUSE OF DECLINING FEDERAL AND STATE DOLLARS DEVOTED TO THE ARTS, MUSEUMS, ETC., THE PRIVATE SECTOR HAS BEEN ASKED TO SUPPORT THESE PROGRAMS WITH PRIVATE DOLLARS. INTERNATIONAL PAPER COMPANY WILL CONTINUE TO DO WHAT WE CAN IN CONJUNCTION WITH OUR TIMBER MANAGEMENT TO MINIMIZE IMPACTS ON ENDANGERED AND THREATENED SPECIES. WE HAVE EXPENDED CONSIDERABLE TIME AND DOLLARS IN THE PAST AND WILL PROBABLY CONTINUE TO DO SO IN THE FUTURE. HOWEVER, WE WILL NOT HAVE GRANT MONEY AVAILABLE TO PROVIDE FOR ONGOING PROJECTS YEAR AFTER YEAR. SURE, WE MIGHT BE CONVINCED TO GIVE A ONE-TIME GRANT FOR A SPECIAL PROJECT. SUFFICIENT LONG TERM FUNDING THAT CAN BE COUNTED ON YEAR AFTER YEAR WILL NOT BE THERE FROM THE PRIVATE SECTOR.

7. CENTRAL COORDINATION - THE FEDERAL GOVERNMENT MUST ACT AS A CENTRAL CLEARINGHOUSE FOR COORDINATION OF ALL PROJECTS BETWEEN STATES, BETWEEN REGIONS IN THE U.S., AND BEYOND OUR BORDERS, INTERNATIONALLY. THIS IS PART OF THE GOOD PLANNING PROCESS TO ELIMINATE DUPLICATION AND TO MAKE THE LIMITED DOLLARS STRETCH FURTHER.

FINALLY, THE WILDLIFE RESOURCES, INCLUDING ENDANGERED AND THREATENED SPECIES OF PLANTS AND ANIMALS, BENEFIT THE ENTIRE PUBLIC - NOT JUST PEOPLE IN MAINE OR IN CALIFORNIA - EVERYONE. THEREFORE, FEDERAL, GENERAL FUND MONIES SHOULD SUPPORT A SIGNIFICANT PORTION OF THE ENDANGERED SPECIES EFFORT THROUGH SECTION 6 COORDINATION WITH THE STATES. THE HEALTH OF OUR WILD ANIMAL AND PLANT POPULATIONS IS INDICATIVE OF THE ENVIRONMENTAL

HEALTH OF OUR HUMAN POPULATION AS WELL.

THANK YOU.

THOMAS R. EUBANKS
SUPERVISOR, WILDLIFE ECOLOGY
INTERNATIONAL PAPER COMPANY
9 GREEN STREET
AUGUSTA, ME 04330

(207) 623-2931

ATTACHMENT A

ENDANGERED & THREATENED SPECIES
THAT INTERNATIONAL PAPER COMPANY
HAS WORKED WITH ON OUR OWNERSHIP
IN THE UNITED STATES.

ANIMALS

| | |
|---|---|
| BALD EAGLE | MAINE, MISSISSIPPI, LOUISIANA |
| GOLDEN EAGLE | NEW YORK |
| PEREGRINE FALCON | MAINE, NEW YORK |
| RED COCKODED WOODPECKER | ALABAMA, ARKANSAS, FLORIDA GEORGIA, LOUISIANA, TEXAS, SOUTH CAROLINA, NORTH CAROLINA |
| RED HILLS SALAMANDER | ALABAMA |
| PINE BARRENS TREE FROG | FLORIDA |
| GOPHER TORTOISE | ALABAMA, GEORGIA, FLORIDA, SOUTH CAROLINA |
| AMERICAN ALLIGATOR | ARKANSAS, LOUISIANA, MISSISSIPPI |
| EASTERN INDIGO SNAKE | ALABAMA, GEORGIA, SOUTH CAROLINA |

INTERNATIONAL PAPER COMPANY
P. O. BOX 2448, MOBILE, ALABAMA 36601

WOODLANDS & WOOD PRODUCTS OPERATIONS
REGION II

October 28, 1976

Director
U. S. Fish and Wildlife Service
Post Office Box 19183
Washington, D. C. 20036

Dear Sir:

International Paper Company has committed itself to protect the animal and the habitat of the species known as the Red Hills Salamander, Phaeognathus hubrichti. The attached policy statement verifies this commitment.

The policy incorporates the recommendations made by Thomas W. French found in the report prepared for the U. S. Fish and Wildlife Service, dated April 10, 1976.

We would appreciate you using this information internally until such time as we are able to make a public release of the policy. Your cooperation in this will be greatly appreciated.

Finally, we hope this commitment will assure the continued existence of this species, and you may be sure that we will continue to cooperate with you for this end.

Very truly yours,

Edward B. Green
Regional Manager

EBG/ph

Att.

BC: Bobby Webb
Ray Moody
Tom Eubanks ✓
Robert Mount
Alex Montgomery
Jim Williams

INTERNATIONAL PAPER COMPANY

WOODLANDS REGION II POLICY STATEMENT

RED HILLS SALAMANDER

The Red Hills Salamander, Phaeognathus hubrichti, has been classified as a threatened species by the U. S. Fish and Wildlife Service. The Red Hills Salamander, found to date only in Southwest Alabama, requires steep-sloped drains for its habitat. Because of International Paper Company's concern for the protection of animal species which are endangered or approaching that category, International Paper Company has declared the following policy to ensure the protection and preservation of this species' habitat on Company land:

1. Clearcutting and mechanical site preparation will be prohibited on areas identified as supporting, or having the potential to support, colonies of Red Hills Salamanders found on Company land.
2. An appropriate buffer zone will be left on each side of the identified salamander habitat and only selective harvesting will be allowed in the buffer zone.
3. Road construction will be avoided on sites where the existence of the Red Hills Salamander is known.
4. Periodically, knowledgeable zoologists will be called upon to define the habitat and determine the population of the salamander on International Paper Company land.

In addition, IPCO will continue to cooperate with the U. S. Fish and Wildlife Service and other authorized groups to preserve and protect this threatened species.

1976

Federal Endangered Species Protection
Senate Subcommittee Hearing

Testimony of The Maine Audubon Society
Jane Arbuckle, Director of Wildlife Programs

The Federal Endangered Species Act of 1973 has, quite literally, been a lifesaver to hundreds of species of wildlife throughout North America. In Maine, the numbers are fewer but the importance of the Act remains undiminished. It encouraged passage of the Maine Endangered Species Act in 1975 and probably most important raised public awareness of the plight of our endangered and threatened wildlife. The term "endangered species" now has real meaning to the citizens of Maine. People now realize that some species have been lost forever and that, unless action is taken soon, more will follow. As a result, people are becoming increasingly active in regards to endangered species. In fact, a bill which would strengthen Maine's Endangered Species Act was introduced into the Maine legislature in the current session. The Bald Eagle has been the focus of attention over the past decade, but groups of people have formed to prevent the loss of many other species which may be in danger of becoming endangered. One example is the Common Loon. As a result of public concern for this species, thousands of individuals throughout Maine count their loons each summer, try to protect their loons from disturbance, put up loon posters, sponsor loon public awareness presentations, and create loon nesting habitat where natural nesting areas have been destroyed. Other efforts involve bluebirds, reptiles and amphibians, ospreys, puffins and caribou. People in Maine are clearly concerned, and are, in a number of these cases, either trying to prevent several species of wildlife from becoming endangered, or attempting population restoration.

At Maine Audubon, we receive hundreds of calls and letters each year from people requesting information about endangered species. This ranges from children for school projects (endangered species must be the favorite topic!) to citizens who are concerned that a local development, pollution source, land management activity, or recreational activity may harm a species which either is or is assumed to be endangered.

Another indication of this concern was demonstrated last November when the people of Maine passed a five million dollar bond issue for the acquisition of wildlife habitat, including habitat for endangered species. A Citizen's Advisory Group was formed to make acquisition recommendations to the Department of Inland Fisheries and Wildlife. At a recent meeting of that group, endangered species habitat came out as the top priority for acquisition.

So, the Endangered Species Act itself has helped to raise the level of public awareness regarding endangered species. That's great. However, awareness does not necessarily bring in the funds required to hack an falcon chick, or protect the habitat of a black racer (a snake), or to watch a piping plover nest and protect it from predators, spring tides, domestic cats or people. The income from Maine's Nongame Tax Checkoff,

initiated to raise funds for the Endangered and Nongame Wildlife Fund, started out as predicted in 1984. That money was an excellent start, but not enough to manage Maine's endangered and nongame species. And income has dropped each year since a second checkoff was added to the tax forms. Yet this is the sole source of state funding for endangered wildlife species, as well as the 400 or so other nongame species existing in Maine. Without Federal Endangered Species funding for the Bald Eagle, the Peregrine Falcon, and, for the first time this year, the Piping Plover, all of Maine's nongame funds would go towards basic work on these three species. With a focus that narrow, the Nongame Program would lose much of its support and would probably collapse. Fortunately, funding from the Act has provided the crucial base funding for Maine's Bald eagle and Peregrine Falcon protection and restoration efforts. That, however, is about it. A number of serious inadequacies exist.

One of the most important is the instability of funding. The state is always wondering if next year's or even next month's funding will be approved. Recovery programs require a long term committment of time and funds. That is well known, yet even a project such as the Bald Eagle Recovery Program doesn't know whether or not it will receive funding for next year, and it probably won't know until next February or March and then won't receive money until some uncertain date in the future. This state of affairs affects not only the subject species, which is the whole basis of our concern and efforts, but also affects a long line of people who must necessarily be involved in the recovery of that species. For example, when the future of peregrine falcon funding is unknown, the future of four or five release sites is uncertain. If we take just one site -- let's use Portland as an example -- we can see that not only the staff of the Department of Inland Fisheries and Wildlife are affected. At least two hack site attendants don't know if they have a job. Maine Audubon staff don't know if they should allocate time and funding to the project. City officials can't be told what to expect. The building owners and managers (city release sites are on the tops of buildings) who would be involved don't know how to schedule roof maintenance and other activities, and building users are kept in limbo as are the volunteers who might be called in to help with site construction and observations. There are lots of people who are affected.

It doesn't make sense to fund long term projects in a short term manner. It is inefficient and short-sighted, and should be changed.

The second problem is simply that the funds are inadequate. Maine generally receives about 50% of the funds which it requests, and doesn't even request all that it needs, knowing that the effort will be futile. I have been working on Maine's Least Tern and Piping Plover populations for six years now. Least terns have been listed as a state endangered species since 1983, and Piping plovers were listed as a federally threatened species in early 1986. They were a candidate species for at least two years before that. The State has never received requested funds for Least terns, and only this year received funds for Piping plovers. Currently another seabird, the Roscate Tern, is a candidate for federal listing, yet there are no funds to monitor or to protect Maine's Roseate tern population. Maine Audubon has, over the years

tried to raise funds from the private sector to work on these species. The monies have been unstable and/or inadequate, even though there are many concerned citizens out there. Private individuals have certainly been of key importance to the well-being of many species, but endangered species need consistant help immediately. When they receive federal protection part of that protection must be adequate funds. With our first comprehensive endangered species listing less than a year old, Maine is just beginning to identify more species which need this federal aid. We hope you will work towards securing it.

THE NATURE CONSERVANCY

MAINE CHAPTER

122 Main Street, P.O. Box 338, Topsham, Maine 04086-0338
(207) 729-5181

STATEMENT OF THE MAINE CHAPTER OF THE NATURE CONSERVANCY
J. MASON MORFIT, EXECTUTIVE DIRECTOR
SUBMITTED TO THE SENATE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
PORTLAND, MAINE
MAY 26, 1987

The Maine Chapter of The Nature Conservancy has been a leader in the identification, protection, and long-term stewardship of Maine's endangered and threatened species. Our mission is to protect the full spectrum of biological diversity, working first to protect those species and habitats that are at the highest risk.

Our efforts have not been without success. Since 1956, the Maine Chapter has acquired more than 25,000 acres in Maine to protect and care for endangered species, including habitats for bald eagles (Haliaeetus leucocephalus), piping plover (Charadrius melodus), and the small whorled pogonia (Isotria medeoloides). The task, however, is great, and we clearly cannot do it alone. It requires shared commitment, cooperation, and continuity of resources.

We therefore strongly endorse S. 675 to reauthorize the Endangered Species Act for five (5) years. Because we are acutely aware of the costs of protection and recovery efforts, we also encourage Congress to act positively and with foresight to allocate the necessary resources to ensure real progress in realizing the goals of the Act. Specifically, we respectfully ask Congress for:

1. a five year reauthorization of the Endangered Species Act;

2. increased funding levels for Section 6 funding to cooperating State Programs;

3. passage of the Amendment to treat candidate species as "proposed" species under Section 7(a)(4) of the Act;

4. passage of the Amendment to change Section 9(a)(2) of the Act to prohibit the collection, vandalism, or taking of protected plant species on private lands.

**********

I will briefly elaborate on our requests, and give the Maine Chapter's perspective on the status of Maine's endangered animals and plants.

FIVE YEAR REAUTHORIZATION

The essential goal of the Endangered Species Act is to provide for the recovery of the species listed under the Act. By necessity, all such recovery efforts take many years to implement. Long-range planning and monitoring are essential components. The call for endangered species preservation is reduced to a mere gesture without a long-term commitment of resources to achieve the goals of the Act.

INCREASED SECTION 6 FUNDING LEVELS

Considerable private and state funds have already been spent on behalf of endangered species protection in Maine. The Maine Chapter alone has acquired ten bald eagle nesting territories; invested $2,000 annually to provide protection for Maine's most productive piping plover nesting area; funded research on Furbish's lousewort and its habitat; and invested the time of five staff persons over two summers to search for, monitor, and legally protect populations of small whorled pogonia.

However, these efforts are minimal at best. A brief summary of our specific activities on behalf of three endangered species will illustrate the scope of the effort necessary to accomplish the goals of the Act in Maine.

The Maine Chapter expends $2,000-3,000 annually to provide fencing, part-time warden personnel, and public educational materials to enhance protection of Maine's largest and most productive piping plover nesting area. This expenditure is not Section 6 money,and is a minimal effort. Adequate, full time protection and recovery efforts for this site alone will require a minimum of $5,000 annually. Although economies of scale will reduce cost per area, the remaining plover nesting beaches will require similar protection and recovery efforts if the plover is to survive in Maine. Current Section 6 funds are insufficient to implement the piping plover recovery plan in Maine.

Furbish's lousewort is endemic to the St. John River valley, occurring nowhere else in the world. During the last ten years, the Maine Chapter has cooperated with other agencies and programs in seeking protection for the lousewort. Concurrently, the USFWS supported research to learn more of the biological requirements of this plant. Yet none of the populations of this plant are protected.

It wasn't until 1986 that a plant agreement was signed by the Maine State Planning Office and the USFWS. In that year, $3,000 of Section 6 funds was allocated to the lousewort and used for minimal public education efforts in lieu of any existing legal protection. No Section 6 funds were allocated for Furbish's lousewort in 1987.

Research has demonstrated that the only ecologically sound protection strategy for the lousewort is to protect the river corridor. When this occurs--and it must occur to guarantee the survival of the lousewort--continued funding will be necessary to monitor individual populations as well as implement the appropriate recovery and management efforts learned through previous research. Again, Section 6 funds are vital to this effort, but have clearly been insufficient.

The small whorled pogonia (Isotria medeoloides) occurs in twelve locations in Maine. Of these, only four can be considered viable populations, and of these, only one is protected (through a conservation easement negotiated and held by the Maine Chapter). Isotria requires long-term monitoring because of its habit of 'disappearing', then 'reappearing' several to many years later. Current research is working to unravel the mysteries of this plant, and to give us greater predictive power in assessing the status of the plant, as well as the ability to protect this plant in the most efficient manner possible.

In 1986, the StatePlanning Office received $3,000 of Section 6 funding for limited inventory efforts, and to initiate a long-term monitoring program for Isotria. The Maine Chapter assisted in this work in 1986. In 1987, $8,000 was allocated for continued Isotria inventory and monitoring. After 1987, inventory efforts can be lessened, and an annual expenditure of $4,000 to $5,000 will enable monitoring efforts to continue. Thus far, Isotria is the only Maine endangered plant species to have received adequate support through Section 6 funding. However, unless funding continues to be available, initial investments in establishing the monitoring program will have been wasted.

In addition to the four species discussed here, 24 candidate species occur in Maine. The Maine Chapter's Natural Heritage Program systematically inventories rare plants and animals in Maine. Heritage Programs throughout the country have developed highly cost effective methods to track endangered and threatened species and determine their true status. Nevertheless, the job requires money. The Maine Chapter to date has received only $4,000 of Section 6 funding to assist in our inventory efforts for these 24 species.

Of these 24 species, only one has been listed as Category 1. Five of these candidate species have received sufficient inventory efforts to suggest probable qualification as Category 1. A definite determination of these species would require an estimated two years work at a cost of $15,000.. The status of the remaining 18 listed species in Maine is sufficiently obscure to preclude a determination for listing as endangered or threatened. Some of these species will require more work than others to compile the necessary documentation. Such an effort would likley require 5-10 years and a cost of $5,000 per species.

The estimated total cost, then to determine the true status of Maine's candidate species is $105,000 over five to ten years.

CANDIDATE SPECIES AMENDMENT

As stated above, the status of many candidate species is unclear. Unfortunately, the listing process takes time, and some or many of these species could easily be lost from Maine before they can be listed.

Many of the candidate species listed in Appendix 1 are dependent on special habitat types. Some of these species are found in only one or a few of these special habitats. As such, these species are fragile, and can easily be inadvertantly destroyed. Clayton's copper butterfly (Lycaena dorcas claytoni) northern bog lemming (Synaptomys borealis sphagnicola), and the prairie white-fringed orchid (Platanthera leucophaea) are all species that occur in fewer than three populations in Maine, and that do not occur in known habitats that appear identical to the ones in which they are found.

It is imperative, therefore, that some protection be afforded these candidate species during the time they must be studied to determine true status.

INCREASED PLANT PROTECTION AMENDMENT

Zoologists sometimes lament that it is more difficult to study animals than plants because animals are mobile, whereas plants are not. Yet it is this immobility that can spell doom for endangered plants. Plants cannot escape digging, picking, cutting, or vandalism. Whether or not it is done for commercial purposes, removing plants from their natural habitats is a primary reason for the endangerment of many species.

For instance, the prairie white-fringed orchid, Category 2, occurs in Maine as only one population of approximately 20 plants. One person could easily extirpate this plant from Maine, and not be subject to any penalties under the law. This must clearly be an oversight in the Act. We strongly encourage Congress to rectify this by passing the amendment to provide at least minimal protection for listed and proposed plant species on private lands.

**********

In summary, The Maine Chapter of The Nature Conservancy has already invested years and many private dollars in protecting and caring for endangered species in Maine. However, we cannot carry on alone. The Maine Chapter alone will require an additional $10,000-$20,000 annually from Section 6 funds to adequately inventory and monitor those Maine species currently listed as endangered, threatened, or candidate species during the next five years.

Five year reauthorization and increased funding levels for the Act are essential to ensure the stable, long-term cooperative effort between the Maine Chapter of The Nature Conservancy, the Maine State Planning Office, and the Maine Department of Inland Fisheries and Wildlife necessary to achieve the goals of the Endangered Species Act in Maine.

APPENDIX 1

FEDERALLY LISTED ENDANGERED AND THREATENED ANIMALS AND PLANTS IN MAINE

VERTBRATE ANIMALS

ENDANGERED

| | |
|---|---|
| Bald eagle | Haliaeetus leucocephalus |
| Peregrine falcon | Falco peregrinus |
| Piping plover | Charadrius melodus |
| Right whale | Balaena glacialis |
| Humpback whale | Megaptera novaeangliae |
| Finback whale | Balaenoptera physalus |
| Sei whale | Balaenoptera borealis |
| Sperm whale | Physeter catodon |
| Leatherback turtle | Dermochelys coriacea |
| Atlantic Ridley turtle | Lepidochelys Kempii |

THREATENED

| | |
|---|---|
| Tundra peregrine falcon | Falco peregrinus tundrius |
| Loggerhead turtle | Caretta caretta |

CANDIDATE (Category 1 or 2)

| | |
|---|---|
| Roseate tern (1) | Sterna dougallii |
| Migrant loggerhead shrike (2) | Lanius ludovicianus migrans |
| Long-tailed shrew (2) | Sorex dispar |
| Northeastern pygmy shrew (2) | Microsorex hoyi thompsoni |
| New England cottontail rabbit (2) | Sylvilagus transitionalis |
| Penobscot meadow vole (2) | Microtus pennsylvanicus shattucki |
| Northern bog lemming (2) | Synaptomys borealis sphagnicola |
| North American lynx (2) | Felis lynx canadensis |

INVERTEBRATE ANIMALS

ENDANGERED -none-

THREATENED -none-

CANDIDATE (Category 1 or 2)

| | |
|---|---|
| Dubiraphian riffle beetle (2) | Dubiraphia sp. |
| Clayton's copper butterfly (2) | Lycaena dorcas claytoni |
| Ceromatic noctuid moth (2) | Pyreferra ceromatica |
| Regal fritillary butterfly (2) | Speyeria idalia |
| Chestnut clearwing moth (2) | Synanthedon castaneae |
| Dwarf wedge mussel (2) | Alasmidonta heterodon |

APPENDIX 1, continued

PLANTS

ENDANGERED

| | |
|---|---|
| Furbish's lousewort | *Pedicularis furbishiae* |
| Small whorled pogonia | *Isotria medeoloides* |

THREATENED -none-

CANDIDATE (Category 1 or 2)

| | |
|---|---|
| Long's bitter cress (2) | *Cardamine longii* |
| A sedge (2) | *Carex oronensis* |
| Variable sedge (2) | *Carex polymorpha* |
| Parker's pipewort (2) | *Eriocaulon parkeri* |
| Auricled twayblade (2) | *Listera auriculata* |
| Square-stemmed monkey flower (2) | *Mimulus ringens v. colpophilus* |
| Prairie white-fringed orchid (2) | *Platanthera leucophaea* |
| Boott's rattlesnake root (2) | *Prenanthes boottii* |
| Long's bulrush (2) | *Scirpus longii* |

THE NATURE CONSERVANCY

MAINE CHAPTER

122 Main Street, P.O. Box 338, Topsham, Maine 04086-0338
(207) 729-5181

May 26, 1987

Senator George Mitchell
Members of Senate Subcommitte on Endangered Species

Dear Senator Mitchell & Senators of the Subcommitte,

I am botanist for Maine's Natural Heritage Program. We are a local chapter of a larger network of state programs whose objectives are to identify locations of both federal and state rare species of plants and animals. We view this task as a necessary first step in any efforts aimed at the protection of these rare species.

I believe testimony is already being presented to you regarding the vulnerable status of so many of this nation's rare species - due to factors such as habitat loss, exploitation, pollution, persecution, and ignorance. I hope this serves to emphasize and clarify the very real need for endangered species legislation in this nation.

I myself would like specifically to address the value of our existing Endangered Species Act, and attest to the fact that it does further the protection of those species which it identifies as endangered or threatened.

In my own professional experience, I have been involved in cooperative projects with the U.S. Fish and Wildlife Service's Office of Endangered Species. These have included inventory and monitoring projects made possible or initiated by federal funds enabled by the Endangered Species Act. The benefits of such projects in some sense far exceed the dollar costs.

- Money provided to Heritage Programs or professional botanists in the eastern states for rare plant inventory work has led to the discovery of new stations for many rare species - some already listed as endangered or threatened, others on the candidate list. This in turn has led to protection of many of these sites - often just by notifying a landowner of this existance of something special on their land. But in addition, this information has been used by conservation organizations such as The Nature Conservancy in setting land acquisition priorities for the establishment of nature sanctuaries. In terms of return on dollars spent, the conservation gains in value of land protected must far exceed the money which was spent on initial inventory efforts.

- Regardless of the allocation of federal funds for inventory work, species which have been included on the Endangered Species List tend to receive top priority consideration in Heritage Programs when allocating their own resources for inventory of rare species. Again, designation as an endangered or threatened species under the federal ESA increases the protection efforts for these plants and animals.

- Designation strongly affects public attitudes towards these species. Knowledge that a plant or animal is listed as federally endangered carries an emotional appeal unexplained simply by the federal regulations associated with listing. This has particular importance for landowners who may host such a species on their property. But publication in the Federal Register is not enough - education efforts need to continue to make the general populace aware of these species.

- And finally, the job of drawing up a list of this nation's threatened and endangered plants and animals is far from complete. Only a small fraction of the 3000 or so plants which have been proposed for listing have yet even been reviewed for inclusion. Not all of these plants will qualify for endangerment status, once they have been reviewed, but in the meantime many which would qualify will continue to decline through lack of attention.

I urge not only strong support for the reauthorization of the Endangered Species Act, but strong support for increased funding to implement it as well. We need an Endangered Species Act, but we need an effective program to carry out its mandates, which is only possible if the responsable agency has the funding and resources it needs to assure successful implementation.

Respectfully submitted,

Amy J.O. Forrester

Amy J.O. Forrester, Data Manager/Botanist
Maine Natural Heritage Program

# MAINE CHAPTER OF THE WILDLIFE SOCIETY, INC.

Nov 26, 1987

The Honorable George J. Mitchell
United States Senate
Committee on Environment and Public Works
Washington, D.C. 20510-6175

Dear Senator Mitchell,

Since the early 1930's, The Wildlife Society has been working with Federal, State, and private groups seeking sound, scientific management of our nation's wildlife resources. The Wildlife Society is an international organization of professional wildlife managers, educators, researchers, enforcement personnel, and administrators, all working toward this same goal.

The Maine Chapter of The Wildlife Society was chartered in 1976, and since that time has played an active role in Maine. The Maine Chapter was instrumental in drafting and passing the legislation creating Maine's Nongame Tax Checkoff Fund, which provides partial support for Maine's Endangered and Nongame Wildlife Program.

It is unfortunate, however, that endangered and nongame wildlife traditionally have been relegated to second priority behind game species, and that such special efforts as tax checkoffs and other creative measures are necessary to derive financial support for nongame wildlife.

The Endangered Species Act is an important step both in rectifying a shortage of funds for protecting and managing endangered species, and in demonstrating that, indeed, endangered and nongame wildlife are vital to the health of our environment. The Act is especially important because it can offer needed resources to protect those species we are most likely to lose first.

Because of our stated, and demonstrated commitment to all of Maine's wildlife species, the Maine Chapter of The Wildlife Society strongly endorses S.675 to reauthorize the Endangered Species Act for five years. We specifically, and respectfully ask Congress for a five year reauthorization to provide continuity of effort, and to foster stable Federal/State cooperative efforts; increased section 6 funding to states for protection and recovery efforts; passage of the amendment giving candidate species proposed status under Section 7(a)(4) of the Act; and passage of the amendments to provide increased protection for plants under section 4 and 9 of the Act.

Senator George J. Mitchell
Page 2.

Section 6 funds have been critical to significant protection and recovery efforts in Maine to date, most notably for the bald eagle and the peregrine falcon. However, the current level of section 6 funding is insufficient to carry the programs already in place for these two species. Virtually no funds are allocated for necessary inventory, protection, and recovery efforts for the remaining 24 animals and 11 plants currently listed as endangered, threatened, or candidate species in Maine.

We, therefore, urge Congress to act positively and with foresight to reauthorize a critical piece of legislation, and to allocate appropriate levels of funding to ensure that the goals of the Endangered Species Act will be realized.

Respectfully,

John J. Albright

John J. Albright, President
Maine Chapter,
The Wildlife Society